

S Final status of  
344.046 natural resource  
E12fsnr legislation in the  
1895 ... Montana  
Legislature

# FINAL STATUS OF NATURAL RESOURCE LEGISLATION IN THE 54TH MONTANA LEGISLATURE

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June 1995

Prepared by the  
Montana Environmental Quality Council

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## PREFACE

During the 1995 Legislative Session, 1096 bills were debated, compared to 1213 during the 1993 Session and 1578 during the 1991 Session. Of these 1096 bills, almost one quarter related to the use of the state's natural resources--with water quality, private property rights and public lands issues receiving the most attention. A summary of this legislation, by subject, is provided below.

**Forestry:** **SB 122** revises the process of granting right-of-way easements on state lands by eliminating certain requirements. **SB 347** authorizes the Department of State Lands to negotiate reciprocal access to isolated state forest lands. **HB 201** establishes an annual timber sale requirement of 45-55 million board feet for the state timber sale program. **HB 274** grants the Department of State Lands broader discretion to expedite sales of state timber in emergency situations and in cases of limited access. **HB 501** requires a written undertaking to cover damages that may result from wrongfully enjoining or restraining the Board of Land Commissioners.

**Hazardous Waste:** **SB 349** requires monitoring and telemetering service at commercial hazardous waste incinerators. **SB 386** deregulates underground storage tanks that are 1,100 gallons or less. **HB 215** requires a disclosure statement for permits issued, reissued, or renewed for hazardous waste management facilities and establishes criteria for denial of or conditions to a permit

**Montana Environmental Policy Act:** **SB 288** exempts the legislature and legislative activities from MEPA review. Depending on the jurisdiction, **SB 288** clarifies and/or elevates the burden proof to clear and convincing evidence for a party challenging an agency's decision not to conduct an EIS. Specifically, a "court may not set aside the agency's decision [a decision not to conduct an EIS] unless it finds that there is clear and convincing evidence that the decision was arbitrary or capricious or not in compliance with law." **SB 347** specifically notes that the Department of State Lands "is not required to analyze or consider the potential impacts of activities that may occur on private or federal lands in conjunction with or as a result of granting access". **HB 274** exempts certain emergency and limited access opportunity timber sales on state forest lands from MEPA review. **SB 347**, also potentially limits MEPA's impact analysis for negotiated reciprocal access agreements involving isolated tracts of state forest land. **SB 231** substantively amended MEPA to incorporate private property right considerations into the MEPA review process. **SB 231** requires that if a proposed state agency action involves the regulation of private property, the agency, in its evaluation of the economic and social impacts of the proposed action, must

evaluate the regulatory impacts the action has on private property rights. Furthermore, in evaluating alternatives to the proposed action, state agencies are required to analyze alternatives that reduce, minimize, or eliminate the regulation of private property rights.

**Mining:** **HB 338** amends the metal mine reclamation laws to provide for reclamation of open pits and rock faces to the extent economically and technologically feasible.

**Private Property:** **SB 231** requires a Montana Environmental Policy Act analysis to specifically include alternatives designed to reduce, mitigate, or eliminate regulatory restrictions in every action directly involving private property. **HB 311** directs the Montana Attorney General to develop guidelines to identify and evaluate proposed agency actions that have takings implications. These guidelines must take into account the U.S. Constitution, the taking or damaging clause of the Montana Constitution, and relevant court interpretations.

**Superfund:** **SB 200** clarifies a fiduciary's liability under the state superfund law. **SB 382** revises cleanup standards, provides for voluntary cleanup plans, establishes a pilot program of with a new proportionate liability scheme, and requests a study on joint and several liability.

**Water:** **SB 204** clarifies enforcement authority under the public water supply laws. **SB 330** changes the definition of high quality waters, and changes the definition of interested person. **SB 331** revamps water quality standards and requires treatment standards be economically, environmentally, and technologically feasible. **SB 346** allows the board of health and environmental sciences to temporarily modify water quality standards. **SB 362** exempts certain activities from ground water discharge permit requirements. **SB 371** establishes criteria for outstanding resource waters and codifies and expands non-significant activities. **SB 387** expands water claims appeal process and adjudication and establishing a water adjudication advisory committee. **HB 137** provides for notice of availability of decrees to be sent to the successors of the original owners of water rights. **HB 472**, although not strictly a water quality issue, addresses instream flow; under certain conditions, an appropriator may apply to temporarily change an existing appropriative water right to instream flow.

**Zoning and Subdivisions:** **HB 292** requires a written statement on the conditions of subdivision approval. **HB 358** changes the protest requirements for adoption of zoning districts, regulations, and boundaries. **HB 473** revises subdivision laws by changing the environmental assessment, bonding, and park dedication requirements.

**Miscellaneous:** **SB 234** reorganizes the state's environmental and natural resource agencies. The thrust of **SB 234** is to consolidate the regulatory functions of the various environmental and natural resources agencies into one agency, the

Department of Environmental Quality, and to create a one-stop permitting process. SB 234 also centralizes land management activities into one agency, the Department of Natural Resources and Conservation. HJR 10 requests the Montana Environmental Quality Council to conduct a study of the compliance and enforcement programs of the state's natural resource and environmental programs. SJR 15 urges the EPA to quickly proceed with and accept Montana's applications for primacy for certain environmental programs. SB 366 revises the major facility siting act. HB 2 a) appropriates RIT funding for an MSU extension service pollution prevention program; b) does not appropriate available federal funds to Department of Health and Environmental Sciences for extra full time employees in air and water quality. HB 502 clarifies the requirement for a radon disclosure statement with the purchase or sale of inhabitable real property. HB 521 requires administrative and local agencies to justify adoption of rules that are more stringent than corresponding federal regulations.

The Environmental Quality Council (EQC) prepared the *Final Status of Natural Resource Legislation in the 54th Montana Legislature* to provide a brief summary of natural resource legislation for legislators, lobbyists and the public. The bills in the status are organized by subject, number, and status (passed or failed). Each bill entry includes the bill number, short title, committee hearings and relevant votes. Several bills are included in more than one category; for example, underground storage tank legislation is listed under both hazardous materials management and water quality.

For further information on these bills or others, we recommend consulting the Legislative Council's publication *Final History and Status*, published in July, which contains all legislative action taken on all bills. In addition, the EQC's *Montana Index of Environmental Permits*, published in the fall after each session, provides a comprehensive list of the permits and licenses needed to conduct activities that might effect Montana's environment.

The Montana Environmental Policy Act, enacted in 1971, charges the EQC with researching and reviewing state regulations and policies affecting Montana's environment, and recommending measures to promote the general welfare of present and future generations of Montana. For more information on EQC publications and activities, contact the Environmental Quality Council, Capitol Station, Helena, MT 59620, (406) 444-3742.





## Table of Contents

	Page Number
<b>Agriculture and Livestock</b> . . . . .	1
<b>Air Quality</b> . . . . .	9
<b>Economic Development</b> . . . . .	13
<b>Energy</b>	
Major Facility Siting Act . . . . .	19
Renewable Energy and Conservation . . . . .	20
Energy/Other . . . . .	24
<b>Environmental Quality</b>	
Administration . . . . .	27
MEPA . . . . .	38
<b>Fish and Wildlife</b>	
Hunting, Trapping, Fishing, Outfitting and Wildlife Protection . . . . .	41
Fish and Wildlife/Other . . . . .	61
<b>Forest Management</b> . . . . .	62
<b>Land Use</b>	
Local Government Regulation . . . . .	67
Parks and Recreation . . . . .	79
State and Public Lands . . . . .	82
Takings/Private Property Rights . . . . .	94
Land Use/Other . . . . .	96

## **Mineral Development**

Exploration, Operation and Reclamation . . . . .	97
--	----

## **Solid Waste and Hazardous Materials Management**

Hazardous Materials . . . . .	103
Hazardous Waste . . . . .	110
Solid Waste . . . . .	113

## **Taxation of Minerals and Allocation of Mineral Revenues**

Coal Severance Tax Rates . . . . .	116
Other Mineral Tax Rates . . . . .	118
Allocation of Coal Severance Tax Revenues . . . . .	123
Allocation of Other Mineral Tax Revenues . . . . .	125

## **Water**

Appropriation and Adjudication . . . . .	127
Development and Irrigation . . . . .	130
Water Quality . . . . .	134

<b>Weed and Pest Control . . . . .</b>	<b>147</b>
--	------------

# Agriculture and Livestock

(See also Weed and Pest Control)

**Passed \***

**SB 44 \* Tom Beck**

*Increase Certain Livestock Penalties*

An act increasing penalties for allowing male equines and certain cattle to run at large, for taking or rescuing a trespassing animal from the possession of a person who lawfully retains the animal, for unlawful possession of an estray, and for willfully or negligently moving livestock from their owner's customary range.

Amending sections 81-4-209, 81-4-213, 81-4-217, 81-4-621, and 81-5-101, MCA.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation  
House Agriculture, Livestock  
and Irrigation

Second Reading Votes:

Senate 46-3; House 94-4

Third Reading Votes:

Senate 41-5; House 93-7

House amended, Senate concurred 41-1

**SB 108 \* Ric Holden**

*Generally Revise Alfalfa Leaf-Cutting Laws*

An act generally revising the laws relating to alfalfa leaf-cutting bees; eliminating the requirement that imported bees and bees for sale be certified; eliminating the requirement for annual registration by bee growers; removing restrictions on the movement of bees by custom pollinators; eliminating the requirement that a bee

grower identify each bee shelter; removing restrictions on the establishment of an unrestricted area; and providing an immediate effective date.

Amending sections 80-6-1102, 80-6-1107, 80-6-1108, and 80-6-1111, MCA and repealing sections 80-6-1113, 80-6-1114, and 80-6-1115, MCA.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Agriculture, Livestock and Irrigation
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Second Reading Votes:	Senate 48-0; House 98-0
Third Reading Votes:	Senate 48-0; House 97-1

**SB 111 \* Gerry Devlin**

*Create County Predator Control for Cattle*

An act creating a county predatory animal control program for cattle; and providing for funding of the program.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Agriculture, Livestock and Irrigation
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Second Reading Votes:	Senate 48-0; House 74-26
Third Reading Votes:	Senate 44-1; House 72-26

**SB 138 \* Kenneth Mesaros**

*One Acre Under Agricultural Improvements to be Taxed as Agricultural Land*

An act revising the taxation of certain land by changing the classification of 1 acre of qualifying agricultural land beneath certain improvements from residential to agricultural and clarifying the valuation of land described in section 15-6-133(1)(c), MCA; and providing an immediate effective date, and applicability dates.

Amending sections 15-6-133, 15-6-134, 15-7-202, 15-7-206, and 15-7-221, MCA.

Committee Hearings: Senate Agriculture, Livestock  
and Irrigation; rereferred to  
Taxation  
House Taxation

Second Reading Votes: Senate 31-18; House 87-11  
Third Reading Votes: Senate 29-20; House 86-12

House amended, Senate concurred 42-8

**SB 198 \* Greg Jergeson**

*Revise Valuation of Irrigated Agricultural Land*

An act generally revising the method of valuing irrigated agricultural land; establishing a base water cost for computing net income from irrigated land; establishing an energy cost base year for irrigated land; limiting allowable water costs to a maximum of \$35 per acre of irrigated land; revising the phase in of the taxable value of agricultural land; and providing effective dates, applicability dates, and a termination date.

Amending sections 15-7-201 and 15-7-221, MCA; and repealing section 15-7-221, MCA.

Committee Hearings: Senate Agriculture, Livestock  
and Irrigation; rereferred to  
Taxation  
House Taxation

Second Reading Votes: Senate 38-11; House 82-16  
Third Reading Votes: Senate 40-9; House 89-9

House amended, Senate did not concur 30-19

Conference committee report adopted: Senate 49-0, House 91-8

**SB 289 \* Vivian Brooke**

*Revise Authority of the Agricultural Department to Issue Compliance Order for Chemical Spills*

An act revising the authority of the Department of Agriculture in issuing compliance orders that require the cleanup of agricultural chemical spills to except

spills at commercial wood treatment facilities and spills that threaten a public water supply system.

Amending section 80-15-403, MCA.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Agriculture, Livestock and Irrigation
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Second Reading Votes:	Senate 49-0; House 87-7
Third Reading Votes:	Senate 46-4; House 91-8

**SB 312 \* Kenneth Mesaros**

*Require Department of Livestock to Manage Diseased Buffalo Entering State*

An act requiring the Department of Livestock to take certain actions with regard to wild buffalo entering the state of Montana; requiring the Department of Fish, Wildlife, and Parks to cooperate with the Department of Livestock in managing certain wild buffalo or bison as a species requiring disease control; and providing an immediate effective date.

Repealing section 87-1-215, MCA.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 43-4; House 80-20
Third Reading Votes:	Senate 43-7; House 77-21

House amended, Senate concurred 49-0

**HB 56 \* Sam Rose**

*Revise Livestock Brand Recording and Rerecording Laws*

An act revising certain laws regarding the recording of livestock brands; deleting the requirement that the Department of Livestock develop a staggered brand recording and rerecording system; clarifying that more than 10 percent of the net rerecording fees may be expended in any 1 year in case of an emergency declared by the Board of Livestock; and clarifying the method of deposit of rerecording fees.

Amending sections 81-3-104 and 81-3-107, MCA.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation Senate Agriculture, Livestock and Irrigation
Second Reading Votes:	Senate 50-0; House 98-0
Third Reading Votes:	Senate 46-0; House 99-0

**HB 95 \* Karl Ohs**

*Revise Livestock Sale Provisions--Bond Equivalent--Audit Requirement*

An act revising certain provisions regarding the sale of livestock; allowing the posting of a bond equivalent as a condition of approval for nonmarket sales and for licensure as a livestock dealer; requiring the Department of Livestock to conduct a periodic audit of livestock markets and dealers; and requiring that a notice of security agreement be signed by the affected debtor or proper legal authority.

Amending sections 81-8-214, 81-8-231, and 81-8-302, MCA.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation Senate Agriculture, Livestock and Irrigation
Second Reading Votes:	Senate 48-1; House 94-4
Third Reading Votes:	Senate 49-1; House 93-5

**HB 170 \* Sam Rose**

*Allow Imposition of Acreage Limitation in Irrigation District*

An act allowing members of an irrigation district, by special election or petition, to require the Board of Commissioners of the irrigation district to impose an acreage limitation on the size of farms that will be serviced by the irrigation district; allowing a landowner or lessee who irrigates acreage in excess of the limitation to continue operations under certain conditions; and allowing an irrigation district that has implemented an acreage limitation to withhold water to acreage in excess of the limitation.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation  
House Agriculture, Livestock  
and Irrigation

Second Reading Votes

Senate 49-0; House 96-2

Third Reading Votes

Senate 46-0; House 92-2

**HB 212 \* Shiell Anderson**

*Revise Montana Pesticides Act and Montana Agricultural Chemical Ground Water Protection Act*

An act revising certain provisions of law regarding pesticides and agricultural chemicals; revising the Montana Pesticides Act regarding license and permit revocation, investigation and enforcement, the issuance of compliance orders, and penalties; making uniform the procedures for contesting and appealing penalties assessed by the Department of Agriculture under the Montana Pesticides Act; revising the Montana Agricultural Chemical Ground Water Protection Act by removing the requirement that certain chemical analyses be reported; removing the authority of the Department of Health and Environmental Sciences to assess civil penalties under the Montana Agricultural Chemical Ground Water Protection Act; revising the process for issuance of compliance orders; and providing an effective date.

Amending sections 80-8-211, 80-8-304, 80-8-305, 80-8-306, 80-15-202, 80-15-403, and 80-15-412, MCA.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation  
House Agriculture, Livestock  
and Irrigation

Second Reading Votes:

Senate 49-0; House 94-5

Third Reading Votes:

Senate 47-1; House 93-5

**HB 278 \* Don Holland**

*Eliminate the Termination Date on Herbicide Information and Liability Laws*

An act eliminating the termination date for information and liability restrictions on herbicide use; and providing an effective date.



Repealing section 7, Chapter 516, Laws of 1987; and section 8, Chapter 530, Laws of 1991.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Agriculture, Livestock and Irrigation
Second Reading Votes:	Senate 49-0; House 96-2
Third Reading Votes:	Senate 48-0; House 98-1

**HB 386 \* Sam Rose**

*Revise the Montana Livestock Marketing Act*

An act generally revising the Montana Livestock Marketing Act; revising the definition of a livestock dealer; defining a custodial account; defining a satellite video livestock auction market; and requiring a satellite video livestock auction market to be licensed.

Amending section 81-8-213, MCA.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Agriculture, Livestock and Irrigation
Second Reading Votes:	Senate 40-3; House 97-2
Third Reading Votes:	Senate 39-0; House 96-3

**HB 520 \* Daniel Fuchs**

*Include Ostriches, Rheas and Emus in Livestock Laws*

An act generally revising the laws relating to livestock by classifying ostriches; rheas, and emus as livestock; and providing an applicability date.

Amending sections 15-1-101, 15-24-921, 20-25-234, 23-2-633, 27-1-222, 39-3-402, 67-1-204, 81-2-702, 81-4-201, 81-5-104, 81-6-302, 81-7-401, and 87-3-130, MCA.

**HB 520 (cont.)**

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Agriculture, Livestock and Irrigation
Second Reading Votes:	Senate 49-0; House 90-5
Third Reading Votes:	Senate 49-1; House 93-7

**HB 562 \* Kenneth Wennemar**

*Delete Agricultural Special Eligibility Criteria for Certain Property Types*

An act deleting the agricultural special eligibility criteria for sod, ornamental, nursery, or horticultural property that required at least 10 acres in the production of those crops; and providing an applicability date.

Amending section 15-7-202, MCA.

Committee Hearings:	Senate Taxation House Taxation
Second Reading Votes:	Senate 45-0; House 91-9
Third Reading Votes:	Senate 48-0; House 97-2

**Failed**

**SB 360 Thomas Keating**

*Eliminate Growth Through Agriculture Program*

An act eliminating the Growth through Agriculture Program; and providing an effective date.

Amending sections 15-35-108 and 17-7-502, MCA and repealing sections 90-9-101, 90-9-102, 90-9-103, 90-9-201, 90-9-202, 90-9-203, 90-9-301, 90-9-303, 90-9-306, 90-9-307, 90-9-311, 90-9-312, 90-9-313, 90-9-314, 90-9-315, 90-9-316, 90-9-317, 90-9-318, 90-9-401, and 90-9-402, MCA.

Committee Hearings:	Senate Finance and Claims
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Tabled in Senate committee

# Air Quality

**Passed \***

**SB 48 \* Thomas Keating**

*An Act Amending Certain Provisions of the Montana Clean Air Act*

An act revising air quality laws to allow the Department of Health and Environmental Sciences to extend the time for notifying an applicant for a construction permit of approval or denial of an application; and revising certain provisions of the air quality laws to conform with Federal Clean Air Act requirements.

Amending sections 75-2-211, 75-2-403, and 75-2-413, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 50-0; House 81-16

Third Reading Votes:

Senate 49-0; House 79-20

**HJR 22 \* Bill Tash**

*JR Urging DHES to Adopt an Air Quality Rule for Minor Changes in Permits*

A joint resolution of the state of Montana directing the Department of Health and Environmental Sciences to draft rules to allow, under the air quality statutes, a minor change in a facility without a preconstruction permit.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 46-0; House 82-17

Third Reading Votes:

Senate 50-0; House 84-14

**Failed**

**SB 50 Jeff Weldon**

*Amendments to the Air Pollution Control Advisory Council Law*

An act revising the laws relating to the membership and meetings of the Air Pollution Control Advisory Council.

Amending sections 2-15-2106 and 75-2-123, MCA.

Committee Hearings: Senate Public Health

Second Reading Votes: Senate 23-26

Motion passed to take from second reading and rerefer to Senate Public Health.  
Adverse committee report adopted, 32-12

**SB 199 Mike Foster**

*Requirements for Commercial Hazardous Waste Incinerators*

An act creating siting criteria for commercial hazardous waste incinerators; and providing an immediate effective date.

Amending section 75-10-403, MCA.

Committee Hearings: Senate Natural Resources

Tabled in Senate committee

Motion failed to take from committee and place on second reading 18-32.

Died in committee

**HB 430 John Bohlinger**

*Set Uniform State Ambient Air Quality Standards for Sulphur Dioxide*

An act setting uniform state ambient air quality standards for sulphur dioxide; and providing an immediate effective date.

Committee Hearings: House Natural Resources

*10 / Air Quality*

Tabled in House committee

Motion failed to take from committee and place on second reading, 28-61 (2-18-95).

Motion failed to take from committee and place on second reading, 28-71 (2-20-95).

Died in committee

**HB 508 Joan Hurdle**

*Require Sulphur Dioxide Monitoring Reporting*

An act requiring at least two ambient air quality monitors for sources of sulfur dioxide with allowable sulfur dioxide emissions greater than or equal to 250 tons of sulfur dioxide a year that are located in areas that are monitored or dispersion modeled and that are out of compliance with federal ambient air quality standards for sulfur dioxide; providing for the reporting of sulfur dioxide ambient air data, including but not limited to the peak 5-minute average sulfur dioxide concentration for each hour; and providing an immediate effective date.

Committee Hearings:

House Natural Resources

Tabled in House committee

Motion failed to take from committee and place on second reading, 30-68



# Economic Development

**Passed \***

**SB 38 \* Steve Benedict**

## *Job Investment Act*

An act establishing the Job Investment Act; authorizing the Department of Commerce to administer a portion of the permanent Coal Tax Trust fund for loans to businesses to create and retain jobs; revising the administration of permanent coal tax funds for seed capital and research and development projects; and providing an immediate effective date.

Amending section 17-6-308, MCA.

Committee Hearings:

Senate Business and Industry  
House Business and Labor

Second Reading Votes:

Senate 50-0; House 57-43

Third Reading Votes:

Senate 45-0; House 66-29

House amended, Senate did not concur 47-0

Conference committee report adopted by Senate 47-0, rejected by House 17-82

Free conference committee report adopted: Senate 50-0, House 79-20

**SB 100 \* Tom Beck**

## *Authorize Loans for Certain Economic Development Projects*

An act authorizing loans to local government for businesses estimated to employ at least 2,000 people; providing that loans may be used to provide infrastructure for a business; providing for repayment of the loans through infrastructure fees; providing a tax credit for infrastructure fees paid; and providing an immediate effective date.

Amending sections 17-6-308, 17-6-309, 17-6-311, and 17-6-312, MCA.

**SB 100 (cont.)**

Committee Hearings:	Senate Business and Industry House Business and Labor
Second Reading Votes:	Senate 49-1; House 98-2
Third Reading Votes:	Senate 49-1; House 95-2

**SB 392 \* Delwyn Gage**

*Gubernatorial Participation in Pacific NW Economic Region*

An act authorizing the governor or a designee to participate in the Pacific Northwest Economic Region; and providing an effective date.

Amending sections 5-11-702, 5-11-703, and 5-11-704, MCA.

Committee Hearings:	Senate State Administration House Business and Labor
Second Reading Votes:	Senate 49-1; House 88-10
Third Reading Votes:	Senate 49-1; House 89-9

**HB 354 \* Norm Mills**

*Revise Microbusiness Development Program*

An act revising the laws governing microbusiness development; increasing the allowable amount of a microbusiness loan; appropriating money from the Coal Severance Tax Permanent Fund to the Department of Commerce for microbusiness development; and providing an effective date.

Amending sections 17-6-407 and 17-6-411, MCA.

Committee Hearings:	Senate Finance and Claims House Appropriations
Second Reading Votes:	Senate 48-1; House 86-14
Third Reading Votes:	Senate 48-2; House 89-11

Senate amended, House concurred 87-12



**HB 534 \* Dan Harrington**

*Property Taxation of Undeveloped or Planned Industrial Parks*

An act allowing certain undeveloped land owned by a local economic development organization to qualify as an industrial park for property tax purposes.

Amending section 15-24-1901, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes:

Senate 49-0; House 89-10

Third Reading Votes:

Senate 48-0; House 86-13

**HB 602 \* Sam Kitzenberg**

*Infrastructure Loans for Job Creation*

An act authorizing loans to local government for businesses estimated to employ at least 50 people; providing that loans must be used to provide infrastructure for a business; providing for repayment of the loans through infrastructure fees; providing a tax credit for infrastructure fees paid; and providing an immediate effective date.

Amending sections 17-6-305, 17-6-309, 17-6-311, and 17-6-312, MCA.

Committee Hearings:

Senate Business and Industry  
House Business and Labor

Second Reading Votes:

Senate 49-1; House 67-33

Third Reading Votes:

Senate 43-7; House 63-36

Senate amended, House did not concur 91-6

Conference committee report adopted: Senate 48-0, House 79-21

## Failed

### HB 251 Carolyn Squires

#### *Employee Retraining and Community Development Tax*

An act requiring the seller of a business that employs 300 or more employees who transfers ownership of the business or who permanently closes and sells the business resulting in the unemployment of 20 percent or more of the existing workforce to pay an employee retraining and community reinvestment tax equal to 8 percent of the sale price or the appraised value to fund employee retraining and community stability and development projects in impacted communities; and providing an effective date.

Committee Hearings:

House Taxation

Tabled in House committee

### HB 426 Bob Raney

#### *Long-term Planning for Montana*

An act providing a long-term plan for Montana; providing benchmarks for Montana; providing for a Montana Progress Board to develop strategies and implementation plan for achieving the benchmarks; and providing an effective date.

Committee Hearings:

House Business and Labor

Tabled in House committee

### HB 526 Emily Swanson

#### *Fund Research and Development Projects*

An act stimulating economic development in Montana through technological growth; allocating a portion of the coal severance tax to nonprofit research and development centers to be used as matching funds for research and development projects; and providing an effective date.

Amending sections 15-35-108 and 17-7-502, MCA.

16 / Economic Development

Committee Hearings:

House Appropriations;  
rereferred to House Business  
and Labor

Tabled in House committee

Motion failed to take from committee and place on second reading, 32-66

**HB 580 Karl Ohs**

*Accommodation Tax Revenue Bond Issue and Grants for Tourism Projects*

An act authorizing a one-time revenue bond issue for specified tourism-related projects; providing that the bonds be serviced by accommodation tax revenue; providing that after the bonds are paid the accommodation tax revenue be used for grants for additional tourism-related projects; providing an appropriation; and providing an immediate effective date.

Amending sections 2-15-1816 and 15-65-121, MCA.

Committee Hearings:

House Appropriations;  
rereferred to House Business  
and Labor

Tabled in House committee

Motion failed to take from committee and place on second reading, 40-55  
(3-27-95).

Motion failed to take from committee and place on second reading, 39-57  
(3-27-95).

Died in committee

**HB 581 Rose Forbes**

*Funding for Tourism Facilities*

An act allocating a portion of the accommodation tax collections to be used for grants for the construction of tourism-related facilities; providing that the award of grants be recommended by the Tourism Advisory Council and approved by the governor; placing conditions on grants; allowing projects to apply for funding as qualified energy projects; allowing tax collections to be pledged to service an obligation; providing that an obligation may not exceed 10 years; appropriating funds for a project; and providing an immediate effective date.

Amending sections 2-15-1816 and 15-65-121, MCA.

## HB 581 (cont.)

Committee Hearings:

House Appropriations;  
rereferred to House Business  
and Labor

Tabled in House committee

## HB 599 John Mercer

### *Research and Development and Infrastructure Investment*

An act stimulating economic prosperity in Montana through research and development, infrastructure development, and historic preservation; appropriating coal severance tax permanent funds to support research and development centers and to be used as matching funds for research and development projects; providing for matching grants to local governments for infrastructure projects; expanding the types of projects and local governments eligible to participate in the treasure state endowment program; authorizing a coal severance tax loan for specified historic preservation infrastructure projects; transferring coal severance tax funds from the permanent fund to the treasure state endowment fund; appropriating coal severance tax funds to the general fund to replace lost interest income; and providing an immediate effective date.

Amending sections 17-5-703, 17-7-502, 90-6-701, 90-6-703, and 90-6-710, MCA.

Committee Hearings:

House Business and Labor

Second Reading Votes:

House do not pass motion  
failed 31-68  
Passed as amended, 64-36

Died in process

# Energy

## Montana Major Facility Siting Act

**Passed \***

**SB 366 \* Mack Cole**

*Revise Montana Major Facility Siting Act*

An act revising the Montana Major Facility Siting Act to provide for a two-year window for certain energy generating facilities; providing for a study process to review various aspects of the act and to report on the study to the legislature; and providing an immediate effective date and an applicability provision.

Amending sections 75-20-104, 75-20-202, 75-20-203, 75-20-212, 75-20-217, 75-20-220, 75-20-221, 75-20-301, and 75-20-303, MCA; and repealing section 75-20-502, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes

Senate 34-15; House 75-25

Third Reading Votes

Senate 36-14; House 72-26

Governor amended: Senate concurred 43-7, House concurred 73-27

**Failed**

**HB 441 Lila Taylor**

*Revise Definition of Facility Siting Under MMFSA*

An act revising the definition of facility under the Montana Major Facility Siting Act; and providing an immediate effective date.

Amending section 75-20-104, MCA.

**HB 441 (cont.)**

Committee Hearings:

House Natural Resources

Died in House committee

**HB 541 Kenneth Wennemar**

*Redefine Pipelines Subject to MMFSA*

An act reducing the size of certain pipelines that are subject to the Montana Major Facility Siting Act; and providing an immediate effective date.

Amending section 75-20-104, MCA.

Committee Hearings:

House Natural Resources

Died in House committee

## **Renewable Energy and Conservation**

**Passed \***

**SB 251 \* Chuck Swysgood**

*Transportation Energy Policy--Alternative Fuels Policy*

An act providing a transportation energy policy for the state of Montana; and providing an alternative fuels policy and implementation guidelines.

Amending section 90-4-1001, MCA.

Committee Hearings:

Senate Highways and  
Transportation  
House Highways and  
Transportation

Second Reading Votes:

Senate 40-8; House 93-7

Third Reading Votes:

Senate 44-6; House 86-11

20 / Energy

**HB 12 \* Joe Quilici**

*Energy Conservation Bonds*

An act authorizing the issuance of general obligation bonds to fund the state Building Energy Conservation Program; approving energy conservation projects for fiscal years 1996 and 1997; appropriating bond proceeds to the Department of Natural Resources and Conservation; pledging the credit of the state of Montana to secure the bonds to be issued; reappropriating stripper-well payments contained in the federal special revenue fund; revising the procedures and requirements for the energy conservation program; and providing an effective date.

Amending section 90-4-605, MCA.

Committee Hearings:

Senate Finance and Claims  
House Appropriations

Second Reading Votes:

Senate 48-0; House 96-1

Third Reading Votes:

Senate 49-0; House 98-1

**HB 44 \* Joe Quilici**

*Define Qualified Energy Projects for School Districts and Clarify Financing*

An act defining "qualified energy projects" for school districts; allowing a school district 10 years for repayment of any debt service obligation for the financing of a qualified energy project; and providing an immediate effective date.

Amending section 20-9-471, MCA.

Committee Hearings:

Senate Education and Cultural  
Resources  
House Education and Cultural  
Resources

Second Reading Votes:

Senate 50-0; House 96-0

Third Reading Votes:

Senate 48-0; House 96-0

## Failed

### **SB 51** Terry Klampe

#### *Increase Daytime Speeding Fine--Reduce Gas Tax by Same Amount*

An act increasing the penalty for violation of the fuel conservation speed limit from \$5 to \$26.85; using the increase in speeding fines to decrease the gasoline tax by 0.347 cents; and providing an effective date.

Amending sections 3-10-601, 15-70-204, and 61-8-718, MCA.

Committee Hearings:	Senate Highways and Transportation
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Tabled in Senate committee

### **SB 129** Barry Stang

#### *Raise Daytime Speeding Fines and Revise "Basic Rules" Laws*

An act revising the laws pertaining to violation of speed restrictions, and increasing the penalty for violation of the fuel conservation speed limit.

Committee Hearings:	Senate Highways and Transportation House Highways and Transportation
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Second Reading Vote:	Senate 26-23
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Third Reading Vote:	Senate 27-23
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Tabled in House committee

Motion failed to take from committee and place on second reading, 39-56.

### **SB 344** Larry Tveit

#### *Provide Incentives for Energy Recovery of All Wastes*

An act defining "energy recovery"; clarifying the hazardous waste management fees; and providing an effective date.

22 / Energy



Amending sections 75-10-403 and 75-10-433, MCA.

Committee Hearings:

Senate Natural Resources

Tabled in Senate committee

## Energy/Other

**Passed \***

**HB 10 \* Ernest Bergsagel**

### *Oil Overcharge Appropriations*

An act appropriating oil overcharge money for programs administered by the state; and providing an effective date.

Committee Hearings:

Senate Finance and Claims  
House Appropriations

Second Reading Votes:

Senate 48-0; House 91-9

Third Reading Votes:

Senate 49-0; House 89-8

**HB 310 \* Joe Barnett**

### *Allow Regulated Companies to Recover in their Rates Consumer Counsel Fees*

An act allowing regulated companies to immediately recover in their rates and charge fees levied to fund the operating of the Consumer Counsel; and providing an immediate effective date.

Amending section 69-1-224, MCA.

Committee Hearings:

Senate Business and Industry  
House Business and Industry

Second Reading Votes:

Senate 49-0; House 96-1

Third Reading Votes:

Senate 49-0; House 96-3

**HB 467 \* Dick Green**

*Enact Term Limits for PSC*

An act providing term limits for the members of the Public Service Commission.

Amending section 69-1-105, MCA.

Committee Hearings:	Senate State Administration House State Administration
Second Reading Votes:	Senate 31-13; House 80-16
Third Reading Votes:	Senate 33-17; House 81-17

**Failed**

**HB 593 Matt Denny**

*Revise Public Service Commission*

An act reducing the Public Service Commission from five members to three members; extending terms from 4 years to 6 years; revising Public Service Commission districts; requiring appointment of commissioners; implementing the appointment of the revised commission to staggered terms; and implementing the funding for the revised commission.

Amending sections 5-7-102, 13-12-207, 13-37-216, 13-37-216, 13-37-226, 69-1-103, 69-1-104, 69-1-105, 69-1-106, 69-1-107, and 69-1-403, MCA.

Committee Hearings:	Senate Business and Industry House State Administration
Second Reading Votes:	House 64-35
Third Reading Votes:	House 63-35

Tabled in Senate committee



# Environmental Quality

## Administration

Passed \*

SB 234 \* Lorents Grosfield

*Revise State Environmental and Natural Resource Agencies and Functions*

An act implementing the recommendation of the governor's task force to renew state government by generally revising the environmental and natural resource functions of state government; creating the Department of Environmental Quality and the Board of Environmental Review; reorganizing the Department of Health and Environmental Sciences as the Department of Public Health; revising the Board of Health and Environmental Sciences as the Board of Public Health; eliminating the Department of State Lands; eliminating the Board of Natural Resources and Conservation; transferring the Board of Land Commissioners' powers, except rulemaking authority, to the Department of Environmental Quality; and providing an effective date.

Amending sections 2-1-202, 2-1-209, 2-15-104, 2-15-212, 2-15-213, 2-15-225, 2-15-1519, 2-15-1523, 2-15-1845, 2-15-1875, 2-15-2101, 2-15-2104, 2-15-2105, 2-15-2108, 2-15-2110, 2-15-2204, 2-15-2210, 2-15-3307, 2-15-3308, 7-1-111, 7-7-4407, 7-8-2507, 7-13-202, 7-13-231, 7-13-4502, 7-13-4513, 7-13-4517, 7-14-120, 7-22-2151, 7-22-2403, 7-22-2409, 7-22-2418, 7-33-2402, 7-34-2301, 7-34-2412, 13-2-402, 15-6-135, 15-6-201, 15-32-102, 15-32-106, 15-32-203, 15-60-101, 15-60-201, 17-5-101, 20-5-402, 20-6-621, 20-6-624, 20-7-436, 20-25-212, 20-25-604, 23-1-302, 23-2-522, 27-6-206, 27-32-302, 37-2-104, 37-2-301, 37-7-103, 37-9-101, 37-14-322, 37-21-101, 37-27-320, 37-27-321, 37-30-403, 37-30-412, 37-30-422, 37-31-204, 37-31-331, 37-41-104, 37-42-102, 40-1-107, 40-1-203, 40-1-204, 40-1-206, 40-1-208, 40-1-209, 40-5-235, 40-5-704, 40-6-105, 40-6-106, 40-6-123, 40-6-126, 40-6-128, 50-1-101, 50-1-302, 50-2-101, 50-2-116, 50-4-201, 50-4-304, 50-4-402, 50-5-101, 50-5-602, 50-5-1103, 50-6-102, 50-6-103, 50-6-104, 50-6-203, 50-6-207, 50-6-302, 50-8-101, 50-9-102, 50-10-101, 50-15-101, 50-15-304, 50-15-702, 50-16-101, 50-16-102, 50-16-602, 50-16-701, 50-16-1003, 50-17-102, 50-18-102, 50-18-103, 50-18-104, 50-18-105, 50-18-109, 50-18-113, 50-19-101, 50-19-201,

*Environmental Quality / 27*

50-19-303, 50-20-104, 50-21-102, 50-23-101, 50-23-103, 50-23-105,  
 50-23-106, 50-30-102, 50-31-103, 50-31-307, 50-34-101, 50-36-101,  
 50-40-103, 50-44-102, 50-49-103, 50-50-102, 50-51-102, 50-52-101,  
 50-53-102, 50-60-204, 50-60-803, 50-70-103, 50-70-110, 50-71-109,  
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 53-21-145, 53-21-165, 53-21-201, 53-21-204, 53-21-212, 60-11-111,  
 67-4-211, 69-3-1204, 69-3-1205, 72-16-217, 72-17-102, 75-1-201, 75-2-103,  
 75-2-502, 75-3-103, 75-3-401, 75-3-502, 75-3-602, 75-5-103, 75-5-221,  
 75-5-1105, 75-5-1106, 75-6-102, 75-7-117, 75-7-401, 75-7-411, 75-10-103,  
 75-10-203, 75-10-403, 75-10-404, 75-10-501, 75-10-503, 75-10-532,  
 75-10-602, 75-10-623, 75-10-625, 75-10-626, 75-10-701, 75-10-802,  
 75-10-903, 75-10-913, 75-10-918, 75-10-950, 75-10-1003, 75-10-1101,  
 75-11-203, 75-11-302, 75-20-104, 75-20-202, 75-20-205, 75-20-208,  
 75-20-211, 75-20-213, 75-20-215, 75-20-216, 75-20-218, 75-20-219,  
 75-20-220, 75-20-221, 75-20-225, 75-20-226, 75-20-301, 75-20-302,  
 75-20-303, 75-20-304, 75-20-401, 75-20-402, 75-20-406, 75-20-501,  
 75-20-1202, 76-2-411, 76-2-412, 76-3-504, 76-3-505, 76-4-102, 76-5-102,  
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 76-15-216, 76-15-301, 76-15-305, 76-15-314, 76-15-319, 76-15-408,  
 76-15-505, 76-15-530, 76-15-721, 76-15-725, 76-15-726, 76-15-727,  
 76-15-803, 76-15-804, 76-15-806, 76-15-807, 76-15-808, 76-15-809,  
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 77-2-107, 77-2-215, 77-2-302, 77-2-327, 77-2-342, 77-2-401, 77-5-104,  
 77-5-302, 77-5-402, 77-6-306, 80-8-110, 80-8-201, 80-8-305, 80-15-102,  
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 81-21-103, 81-22-208, 81-22-209, 81-22-301, 81-22-403, 81-22-404,  
 81-22-414, 81-22-421, 81-23-103, 82-4-102, 82-4-103, 82-4-111, 82-4-112,  
 82-4-123, 82-4-129, 82-4-141, 82-4-203, 82-4-204, 82-4-205, 82-4-223,  
 82-4-226, 82-4-227, 82-4-231, 82-4-232, 82-4-239, 82-4-240, 82-4-242,  
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Committee Hearings:

Senate Natural Resources  
House State Administration

Second Reading Votes:

Senate 44-6; House 68-30

Third Reading Votes:

Senate 44-6; House 75-25

House amended, Senate concurred 44-6

### **SB 398 \* Delwyn Gage**

#### *Reorganize Legislative Branch Agencies*

An act generally revising the laws governing the legislative branch; eliminating and revising certain committees and duties; and providing effective dates.

Amending sections 1-11-201, 1-11-303, 2-4-401, 2-15-401, 2-15-1514, 2-15-1523, 2-18-103, 2-18-201, 5-1-106, 5-2-301, 5-5-215, 5-11-101, 5-11-102, 5-11-103, 5-11-105, 5-11-106, 5-11-107, 5-11-111, 5-11-112, 5-11-201, 5-11-202, 5-11-203, 5-11-205, 5-11-206, 5-11-207, 5-11-208, 5-11-209, 5-11-301, 5-11-402, 5-11-404, 5-11-405, 5-12-204, 5-12-205, 5-12-301, 5-12-302, 5-12-303, 5-12-304, 5-13-202, 5-13-301, 5-13-302, 5-13-304, 5-13-305, 5-14-103, 5-15-104, 5-16-101, 5-16-104, 5-19-104, 5-19-107, 13-27-201, 13-27-202, 13-27-504, 17-5-1650, 17-7-122, 17-7-402, 17-7-404, 18-1-118, 22-1-218, 39-30-103, 41-3-1002, 44-12-206, 44-13-103, 60-11-111, 75-1-201, 75-1-323, 75-1-324, 85-1-203, 85-1-621, 85-2-105, 85-2-436, 90-4-302, 90-4-305, 90-4-307, 90-4-308, 90-4-310, and 90-4-313,

MCA; and repealing sections 1-13-101, 1-13-102, 1-13-103, 1-13-105, 1-13-111, 5-12-402, 17-7-114, 23-7-203, 75-1-321, 75-1-322, and 90-4-303, MCA.

Committee Hearings:

Senate Finance and Claims  
House Rules

Second Reading Votes:

Senate 37-13; House 67-33

Third Reading Votes:

Senate 33-17; House 64-34

House amended, Senate did not concur 50-0

Conference committee report adopted: Senate 28-22, House 68-31

### **SJR 15 \* John Harp**

#### *Resolution Urging Timely Response by EPA to Primacy Applications*

A joint resolution of the Senate and the House of Representatives of the state of Montana urging flexibility and timeliness by the U.S. Environmental Protection Agency, particularly the Region 8 Office, in the consideration of regulations and pending or future applications for primacy for certain environmental programs affecting air quality, underground storage tanks, waste oil, and the management of hazardous and other wastes produced in Montana.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 39-8; House 66-31

Third Reading Votes:

Senate 45-5; House 67-31

### **HB 6 \* Ernest Bergsagel**

#### *Water Development Loans and Grants*

An act appropriating money to the Department of Natural Resources and Conservation for grants under the Renewable Resource Grant and Loan Program; and providing effective dates.

Amending section 1, Chapter 613, Laws of 1993.

Committee Hearings:

Senate Finance and Claims  
House Appropriations



Second Reading Votes:  
Third Reading Votes:

Senate 44-5; House 84-13  
Senate 41-9; House 89-11

Senate amended, House did not concur 78-16

Free conference committee report adopted: Senate 38-12, House 84-11

**HB 7 \* Ernest Bergsagel**

*Appropriation of Reclamation Grants*

An act appropriating money to the Department of Natural Resources and Conservation for grants for designated projects under the Reclamation and Development Grants Program; prioritizing grants and amounts; establishing conditions for grants; and providing an effective date.

Committee Hearings:

Senate Finance and Claims  
House Appropriations

Second Reading Votes:

Senate 49-0; House 92-6

Third Reading Votes:

Senate 45-5; House 94-6

**HB 8 \* Ernest Bergsagel**

*Water Development Bonds and Loans*

An act approving renewable resource projects and authorizing loans; reauthorizing renewable resource projects authorized by the 53rd Legislature; appropriating money to the Department of Natural Resources and Conservation for loans under the Renewable Resource Grant and Loan Program; authorizing the issuance of coal severance tax bonds; authorizing the creation of a state debt and appropriating coal severance taxes; placing certain conditions upon loans; and providing an effective date.

Committee Hearings:

Senate Finance and Claims  
House Appropriations

Second Reading Votes:

Senate 48-0; House 91-8

Third Reading Votes:

Senate 45-5; House 92-6

**HB 10 \* Ernest Bergsagel**

*Oil Overcharge Appropriations*

An act appropriating oil overcharge money for programs administered by the state; and providing an effective date.

Committee Hearings:	Senate Finance and Claims House Appropriations
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Second Reading Votes:	Senate 48-0; House 91-9
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Third Reading Votes:	Senate 49-0; House 89-8
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**HB 11 \* Ernest Bergsagel**

*Treasure State Endowment Appropriations*

An act appropriating money to the Department of Commerce for financial assistance to local government infrastructure projects under the Treasure State Endowment Program; authorizing grants from the treasure state endowment special revenue account; placing conditions upon grants; and providing effective dates.

Committee Hearings:	Senate Finance and Claims House Appropriations
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Second Reading Votes:	Senate 48-1; House 97-2
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Third Reading Votes:	Senate 45-5; House 93-3
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**HB 12 \* Joe Quilici**

*Energy Conservation Bonds*

An act authorizing the issuance of general obligation bonds to fund the state Building Energy Conservation Program; approving energy conservation projects for fiscal years 1996 and 1997; appropriating bond proceeds to the Department of Natural Resources and Conservation; pledging the credit of the state of Montana to secure the bonds to be issued; reappropriating stripper-well payments contained in the federal special revenue fund; revising the procedures and requirements for the energy conservation program; and providing an effective date.

Amending section 90-4-605, MCA.

Committee Hearings:

Senate Finance and Claims  
House Appropriations

Second Reading Votes:

Senate 48-0; House 96-1

Third Reading Votes:

Senate 49-0; House 98-1

**HB 279 \* Karl Ohs**

*Increase the Bonding Authority of the Renewable Resource Loan Program*

An act authorizing the creation of state debt by the issuance of general renewable resource obligation bonds; and providing an immediate effective date.

Repealing section 85-1-623, MCA.

Committee Hearings:

Senate Finance and Claims  
House Appropriations

Second Reading Votes:

Senate 50-0; House 84-13

Third Reading Votes:

Senate 49-1; House 86-13

**HB 305 \* Mike Kadas**

*Fund Natural Resource Litigation*

An act authorizing the issuance of a loan to the Department of Justice to be appropriated for technical, legal, and administrative activities for the state of Montana natural resource damage litigation in the Clark Fork River Basin; extending repayment and providing for interest in previous loans; and providing an effective date.

Committee Hearings:

Senate Finance and Claims  
House Appropriations

Second Reading Votes:

Senate 43-5; House 93-6

Third Reading Votes:

Senate 44-6; House 92-6

**HB 521 \* Doug Wagner**

*Require State and Local Agencies to Justify Environmental Standards*

An act requiring certain state administrative and local agencies to justify the adoption of rules that are more stringent than corresponding federal regulations; requiring the Board of Health and Environmental Sciences, the Department of Health and Environmental Sciences, and local units of government to review and revise certain rules to ensure compliance with this act; and providing an immediate effective date.

Amending sections 50-2-116, 75-2-111, 75-2-301, 75-2-503, 75-3-201, 75-5-201, 75-5-311, 75-6-103, 75-10-204, 75-10-405, 75-10-603, 76-3-501, 76-3-504, 76-4-104, and 80-15-105, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 31-19; House 65-34
Third Reading Votes:	Senate 35-15; House 65-35

Senate amended, House concurred 65-30

**HJR 10 \* Dick Knox**

*Interim Study of Natural Resources Compliance and Enforcement Programs*

A joint resolution of the Senate and the House of Representatives of the state of Montana requesting that the Environmental Quality Council conduct an interim study of the compliance and enforcement programs of the state's natural resource and environmental agencies.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 21-15; House 68-28
Third Reading Votes:	Senate 35-14; House 73-25

## Failed

### HB 130 Harriet Hayne

#### *Eliminate Authority of Board of Oil and Gas Conservation to Set Salaries*

An act eliminating the authority of the Board of Oil and Gas Conservation to set the annual salary of four professional staff positions; and providing an effective date.

Amending sections 2-15-3303 and 2-18-103, MCA.

Committee Hearings: House Natural Resources

Tabled in House committee

### HB 412 Scott Orr

#### *Environmental Self-Evaluation Report, Disclosure and Protection*

An act providing limited protection to an owner or operator of a facility that voluntarily discloses a violation of an environmental law; providing for a voluntary environmental self-evaluation and report and an evidentiary privilege for the report; and providing an immediate effective date, an application date, and a termination date.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 31-18; House 90-8

Third Reading Votes: Senate 34-16; House 92-7

Senate amended, House did not concur, 89-8

Free conference committee report adopted by House, 78-19.

Died in process

**HB 426** Bob Raney

*Long-term Planning for Montana*

An act providing a long-term plan for Montana; providing benchmarks for Montana; providing for a Montana Progress Board to develop strategies and implementation plan for achieving the benchmarks; and providing an effective date.

Committee Hearings:

House Business and Labor

Tabled in House committee

**HB 440** Harriet Hayne

*Repeal Certain Environmental Laws Administered by DHES*

An act repealing certain environmental laws; eliminating air quality, water quality, and solid waste management rules that allow the adoption of standards more stringent than federal standards; establishing a Solid Waste Special Revenue Account; and providing an appropriation.

Amending sections 7-5-4304, 7-5-4321, 7-13-202, 7-13-215, 7-13-231, 7-13-301, 7-13-305, 15-32-601, 17-7-502, 50-2-116, 50-52-101, 61-8-370, 69-7-111, 75-10-807, 75-10-902, 75-10-910, 75-10-933, 75-10-935, 75-10-950, 75-10-951, 75-10-1005, 75-10-1006, 76-4-131, 80-15-102, 80-15-104, 80-15-105, 80-15-107, 80-15-108, 80-15-201, 80-15-203, 80-15-213, 80-15-301, 80-15-302, 80-15-403, 80-15-411, 80-15-412, 82-4-351, 85-2-311, 85-2-317, 85-2-319, 85-2-402, 87-1-504, and 87-1-505, MCA; and repealing sections 7-13-4501, 7-13-4502, 7-13-4504, 7-13-4505, 7-13-4506, 7-13-4507, 7-13-4509, 7-13-4510, 7-13-4511, 7-13-4512, 7-13-4513, 7-13-4516, 7-13-4517, 7-13-4518, 7-13-4519, 7-13-4521, 7-13-4522, 7-13-4523, 7-13-4524, 7-13-4525, 7-13-4527, 7-13-4528, 7-13-4529, 75-2-101, 75-2-102, 75-2-103, 75-2-104, 75-2-105, 75-2-106, 75-2-107, 75-2-108, 75-2-109, 75-2-111, 75-2-112, 75-2-121, 75-2-122, 75-2-123, 75-2-201, 75-2-202, 75-2-203, 75-2-204, 75-2-205, 75-2-206, 75-2-211, 75-2-212, 75-2-215, 75-2-216, 75-2-217, 75-2-218, 75-2-219, 75-2-220, 75-2-221, 75-2-231, 75-2-232, 75-2-233, 75-2-301, 75-2-302, 75-2-401, 75-2-402, 75-2-403, 75-2-411, 75-2-412, 75-2-413, 75-2-421, 75-2-422, 75-2-423, 75-2-424, 75-2-425, 75-2-426, 75-2-427, 75-2-428, 75-2-429, 75-5-101, 75-5-102, 75-5-103, 75-5-104, 75-5-105, 75-5-106, 75-5-201, 75-5-202, 75-5-211, 75-5-212, 75-5-213, 75-5-221, 75-5-301, 75-5-302, 75-5-303, 75-5-304, 75-5-305, 75-5-306, 75-5-307, 75-5-308, 75-5-311, 75-5-401, 75-5-402, 75-5-403, 75-5-404, 75-5-405, 75-5-501,

75-5-502, 75-5-503, 75-5-507, 75-5-511, 75-5-512, 75-5-513, 75-5-514, 75-5-515, 75-5-516, 75-5-517, 75-5-601, 75-5-602, 75-5-603, 75-5-604, 75-5-605, 75-5-611, 75-5-612, 75-5-613, 75-5-614, 75-5-615, 75-5-616, 75-5-621, 75-5-622, 75-5-631, 75-5-632, 75-5-633, 75-5-634, 75-5-635, 75-5-636, 75-5-641, 75-5-1101, 75-5-1102, 75-5-1103, 75-5-1104, 75-5-1105, 75-5-1106, 75-5-1107, 75-5-1108, 75-5-1111, 75-5-1112, 75-5-1113, 75-5-1121, 75-5-1122, 75-6-101, 75-6-102, 75-6-103, 75-6-104, 75-6-105, 75-6-106, 75-6-107, 75-6-108, 75-6-109, 75-6-111, 75-6-112, 75-6-113, 75-6-114, 75-6-115, 75-6-121, 75-10-101, 75-10-102, 75-10-103, 75-10-104, 75-10-105, 75-10-106, 75-10-110, 75-10-111, 75-10-112, 75-10-113, 75-10-115, 75-10-116, 75-10-117, 75-10-118, 75-10-121, 75-10-122, 75-10-123, 75-10-124, 75-10-125, 75-10-201, 75-10-202, 75-10-203, 75-10-204, 75-10-205, 75-10-206, 75-10-207, 75-10-209, 75-10-210, 75-10-212, 75-10-213, 75-10-214, 75-10-215, 75-10-221, 75-10-222, 75-10-223, 75-10-224, 75-10-227, 75-10-228, 75-10-231, 75-10-232, 75-10-233, and 80-15-219, MCA.

Committee Hearings:

House Appropriations

Tabled in House committee

## Montana Environmental Policy Act (MEPA)

### **SB 231 \* Kenneth Mesaros**

#### *Private Property Right Considerations Under MEPA*

An act revising the purpose and policy of the Montana Environmental Policy Act to include private property right considerations and impacts of state government actions.

Amending sections 75-1-102, 75-1-103, and 75-1-201, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 49-0; House 78-22

Third Reading Votes:

Senate 48-2; House 75-23

### **SB 347 \* William Crismore**

#### *Board of Land Commissioners Grant of Reciprocal Access re State Forest Lands*

An act authorizing the Department of State Lands to negotiate reciprocal access to facilitate the management of isolated state forest lands; allowing the Board to waive survey requirements; and defining "analysis requirements".

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes

Senate 41-9; House 71-28

Third Reading Votes

Senate 41-9; House 73-25

House amended, Senate concurred 41-4



**SB 288 \* Thomas Keating**

*Revise the Montana Environmental Policy Act*

An act clarifying the burden of proof for actions in which an agency determines not to conduct an environmental impact statement; and exempting the legislature from the provisions of the Montana Environmental Policy Act.

Amending section 75-1-201, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 31-19; House 54-43
Third Reading Votes:	Senate 35-15; House 58-40

**HB 274 \* Doug Wagner**

*Expedite State Timber Sales in Emergency and Limited Access Situations*

An act granting the Department of State Lands broader discretion to expedite sales of state timber in emergency and limited access opportunity situations; exempting certain limited access opportunity timber sales from the bid process requirements; and exempting certain emergency and limited access opportunity timber sales from the Montana Environmental Policy Act.

Amending section 77-5-201, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 49-1; House 93-5
Third Reading Votes:	Senate 44-6; House 96-1

**Failed**



# Fish and Wildlife

## Hunting, Fishing, Trapping, Wildlife Protection

Passed \*

SB 70 \* Mack Cole

*Require Migratory Bird Stamp for Hunting of All Migratory Game Birds*

An act requiring the purchase of a migratory bird stamp for the hunting of all migratory game birds; and providing a delayed effective date.

Amending sections 87-2-401, 87-2-402, 87-2-411, and 87-2-412, MCA.

Committee Hearings:

Senate Fish and Game  
House Fish and Game

Second Reading Votes:

Senate 27-13, House 83-17

Third Reading Votes:

Senate 37-13, House 77-20

SB 210 \* Al Bishop

*Generally Revise Fish and Game Criminal Laws and Residency Requirements*

An act generally revising and clarifying the law regarding violations of fish and game criminal statutes and residency requirements; revising definitions; revising penalties; allowing former game wardens to be appointed as ex officio wardens; creating the offense of unlawful possession of a hunting license or permit of another; creating the felony offense of sale of wildlife or wildlife parts; providing that one-half of the money from certain fines relating to violations of state fish and game laws be deposited in the state general fund; and providing an effective date.

Amending sections 87-1-102, 87-1-111, 87-1-503, 87-1-601, 87-2-101, 87-2-102, 87-2-103, 87-2-106, 87-2-109, 87-2-110, 87-2-401, 87-2-402, 87-2-403, 87-2-404, 87-2-411, 87-2-501, 87-2-504, 87-2-507, 87-2-508, 87-2-509, 87-2-708, 87-2-803, 87-2-807, 87-3-101, 87-3-104, 87-3-107, 87-3-109, 87-3-118, 87-3-301, 87-3-305, 87-3-402, 87-3-501, 87-5-404, and 87-5-406, MCA.

**SB 210 (cont.)**

Committee Hearings:

Senate Fish and Game  
House Fish and Game

Second Reading Votes:

Senate 37-12; House 53-45

Third Reading Votes:

Senate 37-13; House 59-37

House amended, Senate concurred 43-2

**SB 269 \* Bruce Crippen**

*Interstate Wildlife Violator Compact; Implementation by the Department of FWP*

An act adopting the interstate wildlife violator compact; and providing authority to implement the compact to the Department of Fish, Wildlife and Parks.

Committee Hearings:

Senate Fish and Game  
House Fish and Game

Second Reading Votes:

Senate 30-15; House 94-6

Third Reading Votes:

Senate 32-13; House 90-7

**SB 285 \* Bob Pipinich**

*Prohibit Person from Special License or Drawing for 10 Years for Poaching*

An act prohibiting a person from applying for a special license or entering a drawing for a moose, bighorn sheep, or mountain goat license or permit for 10 years if the person is convicted of the unlawful taking of a similar species of game animal.

Amending section 87-1-102, MCA.

Committee Hearings:

Senate Fish and Game  
House Fish and Game

Second Reading Votes

Senate 50-0; House 87-12

Third Reading Votes

Senate 50-0; House 88-12

**SB 304 \* Bob Pipinich**

*Revise Requirements for Taking of Fish and Game for Scientific Purposes*

An act revising the requirements for the taking of fish or game for scientific purposes; increasing the permit fee for the taking of fish or game for scientific purposes; and providing an immediate effective date.

Amending section 87-2-806, MCA.

Committee Hearings:

Senate Fish and Game  
House Fish and Game

Second Reading Votes:

Senate 50-0; House 72-27

Third Reading Votes:

Senate 46-4; House 70-25

House amended, Senate concurred 46-3

**SB 312 \* Ken Mesaros**

*Require Department of Livestock to Manage Diseased Buffalo Entering State*

An act requiring the Department of Livestock to take certain actions with regard to wild buffalo entering the state of Montana; requiring the Department of Fish, Wildlife, and Parks to cooperate with the Department of Livestock in managing certain wild buffalo or bison as a species requiring disease control; and providing an immediate effective date.

Repealing section 87-1-215, MCA.

Committee Hearings:

Senate Fish and Game  
House Fish and Game

Second Reading Votes:

Senate 43-4; House 80-20

Third Reading Votes:

Senate 43-7; House 77-21

House amended, Senate concurred 49-0

**SB 389 \* Don Hargrove**

*Clarify and Revise Game Farm Administration by Departments of Fish, Wildlife and Parks, and Livestock*

An act clarifying the administration and regulation of game farms by the Department of Fish, Wildlife and Parks and the Department of Livestock; revising game farm provisions regarding licensure, fees, definitions, inspections, importation, and reporting; creating the Game Farm Advisory Council; and providing an effective date.

Amending sections 81-1-102, 87-4-406, 87-4-408, 87-4-410, 87-4-411, 87-4-414, 87-4-415, 87-4-417, 87-4-419, 87-4-422, 87-4-424, and 87-4-426, MCA.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Agriculture, Livestock and Irrigation
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Second Reading Votes	Senate 48-2; House 97-0
Third Reading Votes	Senate 44-6; House 92-6

House amended, Senate concurred 47-3

**SB 394 \* Gerry Devlin**

*Define Gray Wolf as Predator Contingent Upon Delisting, for Control Purposes*

An act including the gray wolf in the definition of predatory animal for purposes of predatory animal control if the gray wolf is removed from the list of threatened or endangered animals by the federal government; revising the applicable definition; and providing a contingent effective date.

Amending sections 81-7-101, 81-7-102, 81-7-104, 81-7-118, 81-7-501, and 81-7-505, MCA.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Agriculture, Livestock and Irrigation
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Second Reading Votes:	Senate 36-14; House 86-14
Third Reading Votes:	Senate 36-14; House 82-17

**SJR 17 \* Loren Jenkins**

*Resolution to Urge Curtailment of Wetlands Project at Lonesome Lake*

A joint resolution of the Senate and the House of Representatives of the state of Montana urging the Bureau of Reclamation, the United States Fish and Wildlife Service, and the Bureau of Land Management to curtail plans for the Lonesome Lake Project near Big Sandy.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Agriculture, Livestock and Irrigation
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Second Reading Votes:	Senate 31-18; House 92-4
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Third Reading Votes:	Senate 33-17; House 94-3
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**HB 62 \* Marian Hanson**

*Prohibit Use of Rifles During Spring Wild Turkey Hunt*

An act revising restrictions on the use of rifles for bird hunting to clarify that wild turkey may not be hunted with rifles during the spring hunting season.

Amending section 87-3-401, MCA.

Committee Hearings:	Senate Fish and Game House Fish and Game
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Second Reading Votes:	Senate 28-20; House 59-41
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Third Reading Votes:	Senate 29-21; House 63-35
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**HB 195 \* Emily Swanson**

*Implement Recommendations of Governor's Advisory on Public Land/Public Wildlife*

An act implementing certain recommendations of the governor's advisory council on private land/public wildlife; creating programs for hunter management and hunting access enhancement within the block management program; restricting the liability of landowners who participate in the programs; providing a moratorium on the issuance of new land-based hunting outfitter licenses; revising the class B-11

resident sponsor limit by allowing the issuance of only 10 certificates for each sponsor and providing that all deer hunting under the license must be conducted on the sponsor's deeded land; revising requirements for licensees who use an outfitter-reserved license; allowing variable pricing of outfitter-sponsored class B-10 and class B-11 licenses; and providing effective dates, an applicability date, and termination dates.

Amending sections 87-1-201, 87-1-242, 87-2-505, 87-2510, and 87-2-511, MCA.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes	Senate 45-4; House 80-17
Third Reading Votes	Senate 39-8; House 88-11

Senate amended, House concurred 68-31

### **HB 196 \* Emily Swanson**

#### ***Generally Revise Outfitter and Guide Law; Create Professional Guide License***

An act generally revising the law relating to outfitters and guides; creating the professional guide license; revising licensing requirements and qualifications for outfitters and guides; requiring submission of an operations plan for outfitters and establishing a system for review of the plan; revising duties and liabilities related to outfitting to include professional guides; revising qualifications and conditions applicable to outfitter-sponsored class B-10 and B-11 licenses; allowing the Board of Outfitters to hire qualified investigators; granting the executive director of the Board of Outfitters and board investigators ex officio warden status; and providing effective dates and a termination date.

Amending sections 37-47-101, 37-47-201, 37-47-301, 37-47-302, 37-47-303, 37-47-304, 37-47-305, 37-47-306, 37-47-307, 37-47-341, 37-47-343, 37-47-345, 37-47-401, 37-47-402, 37-47-403, 37-47-404, 87-2-511, and 87-1-503, MCA; and repealing sections 37-47-102 and 37-47-309, MCA.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 49-0; House 55-45
Third Reading Votes:	Senate 47-0; House 63-37



**HB 285 \* Don Larson**

*Exempt Certain Outfitter Employees from Overtime Law*

An act exempting certain employees of a licensed outfitter from coverage under the state overtime law; and providing an immediate effective date.

Amending section 39-3-406, MCA.

Committee Hearings:

Senate Fish and Game  
House Business and Labor

Second Reading Votes:

Senate 49-0; House 96-2

Third Reading Votes:

Senate 46-3; House 95-2

**HB 288 \* Rod Marshall**

*Limit Person Who Takes Mountain Sheep to 1 License in 7 Years in Some Cases*

An act providing that a person who takes a mountain sheep using an unlimited mountain sheep license, with the exception of a mountain sheep taken pursuant to an adult ewe license, is not eligible to receive another special license for that species for the next 7 years.

Amending section 87-2-702, MCA.

Committee Hearings:

Senate Fish and Game  
House Fish and Game

Second Reading Votes:

Senate 43-0; House 92-6

Third Reading Votes:

Senate 49-0; House 94-3

**HB 291 \* Daniel Fuchs**

*Allow Possession, Sale, Purchase of Bones of Legal Elk, Antelope, Moose, Deer*

An act allowing the possession, transportation, sale, or purchase of the bones of an elk, antelope, moose, or deer that has been lawfully killed or that has died of natural causes.

Amending section 87-3-111, MCA.

## **HB 291 (cont.)**

Committee Hearings:

Senate Fish and Game  
House Fish and Game

Second Reading Votes:

Senate 30-10; House 97-2

Third Reading Votes:

Senate 42-7; House 94-3

## **HB 349 \* Bob Raney**

### *Create the Future Fisheries Improvement Program*

An act creating the Future Fisheries Improvement Program; providing for the protection and enhancement of Montana fisheries through voluntary enhancement of spawning streams and other habitats for the natural reproduction of fish and growth of populations of wild fish; directing a portion of state fisheries money to fund the Future Fisheries Improvement Program; authorizing the governor to appoint a Future Fisheries Review Panel and establishing the duties of the panel; directing the Department of Fish, Wildlife, and Parks to establish and administer the program; requiring the Department to submit regular program progress reports to the Fish, Wildlife, and Parks Commission and to submit a progress report and the anticipated expenses and related projections to the legislature; and providing effective dates and termination dates.

Committee Hearings:

Senate Fish and Game  
House Fish and Game;  
rereferred to Appropriations

Second Reading Votes:

Senate 33-17; House 76-22

Third Reading Votes:

Senate 31-19; House 81-18

Senate amended, House concurred 72-27

## **HB 375 \* Hal Harper**

### *Prohibit Possession and Transport of Certain Live Fish Away from Point Taken*

An act prohibiting the possession or transportation of certain live fish away from the body of water in which the fish were taken; and providing an immediate effective date.

Amending section 87-3-111, MCA.

Committee Hearings:

Senate Fish and Game  
House Fish and Game

Second Reading Votes:

Senate 42-7, House 93-5

Third Reading Votes:

Senate 41-8, House 91-8

**HB 384 \* Bob Ream**

*Revise Laws on Management and Hunting of Black Bears*

An act revising the laws related to management and hunting of black bears; establishing a fee for a combination sports license that includes a black bear tag; clarifying that the meat of a bear infected with trichinosis is not considered suitable for food; and providing a delayed effective date.

Amending sections 87-2-501, 87-2-701, 87-2-711, and 87-3-102, MCA.

Committee Hearings:

Senate Fish and Game  
House Fish and Game

Second Reading Votes:

Senate 46-0; House 86-10

Third Reading Votes:

Senate 48-2; House 88-11

**HB 433 \* Ed Grady**

*FWP Commission Authority for Hunting Licenses, Programs, etc. for Montana Youth*

An act granting the Fish, Wildlife and Parks Commission the authority to designate special licenses or permits, seasons, conditions, or programs for hunting by Montana's youth.

Amending section 87-1-301, MCA.

Committee Hearings:

Senate Fish and Game  
House Fish and Game

Second Reading Votes:

Senate 46-0; House 95-3

Third Reading Votes:

Senate 50-0; House 93-6

**HB 439 \* Karl Ohs**

*Establish Policy Requiring DFWP Work with Landowner on Land Entry and User Policy*

An act establishing a policy for the Department of Fish, Wildlife, and Parks regarding entry upon private land by requiring the department to work with the landowner on land entry and user policies.

Committee Hearings:

Senate Fish and Game  
House Fish and Game

Second Reading Votes:

Senate 46-0; House 91-8

Third Reading Votes:

Senate 50-0; House 86-12

**HB 464 \* Hal Harper**

*Allow Fish, Wildlife, and Parks Department to Inspect Fish Ponds*

An act authorizing the Department of Fish, Wildlife, and Parks to address incidents of disease or illegal introduction of fish; and providing an immediate effective date.

Amending section 87-4-603, MCA.

Committee Hearings:

Senate Fish and Game  
House Fish and Game

Second Reading Votes:

Senate 33-14; House 63-35

Third Reading Votes:

Senate 34-15; House 57-42

Senate amended, House concurred 65-33

**HB 512 \* Roger Debruycker**

*Fifty Percent of Fishing License Fees for Fishing Access, Weed Control and Bank Restoration*

An act requiring that at least fifty percent of fishing license funds allocated for operation and maintenance of fishing access sites and stream, river, and lake frontages be prioritized and expended for weed control, streambank restoration,

and general operation and maintenance; requiring a report on program success to the 56th Legislature; and providing an effective date and a termination date.

Amending section 87-1-605, MCA.

Committee Hearings:

Senate Finance and Claims  
House Appropriations

Second Reading Votes:

Senate 37-10; House 99-1

Third Reading Votes:

Senate 37-13; House 99-1

## **Failed**

### **SB 31 Delwyn Gage**

*Allow Certain Disabled Persons to Use Crossbow for Archery Season*

An act to allow certain disabled persons to use a crossbow during a special archery season.

Amending section 87-2-203, MCA.

Committee Hearings:

Senate Fish and Game

Tabled in Senate committee

Motion failed to take from committee and place on second reading, 24-24.

### **SB 173 Terry Klampe**

*Generally Revise Game Farm Laws; Moratorium on New Licenses and Phase Out*

An act generally revising the law relating to game farms; placing a moratorium on the issuance of new game farm licenses; phasing out existing game farm operations by January 1, 1997; prohibiting further importation of game farm animals; providing that a game farm license is nontransferable; requiring present game farm license fees to be set commensurate with administrative costs; providing for limited compensation for certain game farm property; revising game farm licensing requirements and penalties; encouraging state-tribal negotiations with regard to game farms and the protection of wild game populations; providing

state immunity from suit for damages arising from the spread of disease from a game farm animal to livestock; and providing effective dates.

Amending sections 81-3-102, 81-3-104, 87-4-406, 87-4-407, 87-4-409, 87-4-411, 87-4-412, 87-4-413, 87-4-414, 87-4-415, 87-4-416, 87-4-417, 87-4-418, 87-4-422, 87-4-423, 87-4-424, 87-4-426, 87-4-427, and 87-4-428, MCA; repealing sections 87-4-410, 87-4-411, 87-4-412, 87-4-413, 87-4-414, 87-4-415, 87-4-416, 87-4-419, 87-4-420, 87-4-423, 87-4-426, 87-4-427, and 87-4-428, MCA.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation

Tabled in Senate committee

### **SB 215** Larry Tveit

#### *Transfer Administration and Oversight of Game Farms from FWP to Livestock Department*

An act transferring the general administration and regulation of game farms from the Department of Fish, Wildlife, and Parks to the Department of Livestock; retaining certain game farm regulatory functions within the Department of Fish, Wildlife, and Parks, including inspection functions, the removal of wild animals on game farms, and the capture of escaped game farm animals; revising game farm provisions regarding licensure, fees, definitions, inspections, and reporting; creating the game farm advisory council; and providing an effective date.

Amending sections 87-4-406, 87-4-408, 87-4-410, 87-4-411, 87-4-412, 87-4-413, 87-4-414, 87-4-415, 87-4-417, 87-4-419, 87-4-422, 87-4-424, 87-4-426, and 87-4-427, MCA.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation

Tabled in Senate committee

**SB 259 Don Hargrove**

*Allow Use of Atlatl for Deer Hunting During Archery Season*

An act allowing the use of an atlatl for deer hunting during the special archery season; and providing an immediate effective date.

Amending sections 87-1-301, 87-2-105, and 87-2-708, MCA.

Committee Hearings:

Senate Fish and Game  
House Fish and Game

Second Reading Votes

Senate 49-0; House 98-2

Third Reading Votes

Senate 47-3; House 92-8

House amended, Senate did not concur 39-0

Conference committee appointed

Died in process

**SB 367 Chuck Swysgood**

*Restrict Wildlife Habitat Purchases; Reallocate Wildlife Habitat Dollars*

An act clarifying that wildlife habitat may not be acquired through purchase by the Fish, Wildlife and Parks Commission; revising the allocation of funds dedicated to securing wildlife habitat; allocating other percentages of wildlife habitat funds for game damage assistance, weed control and enforcement; and providing an effective date.

Amending sections 87-1-209 and 87-1-242, MCA.

Committee Hearings:

Senate Fish and Game

Tabled in Senate committee

**SB 391 Lorents Grosfield**

*Emergency Ground Water Use--Fishery Resource Benefits*

An act requiring the Department of Fish, Wildlife, and Parks to identify critical low-water stream reaches for the fishery resource; allowing emergency ground water use to benefit the fishery resource in critical low-water streams; granting

abandonment protection for voluntary nonuse of water in critical low-water streams; exempting emergency ground water use in critical low-water streams from the provisions of basin closures; revising the water leasing program; and providing an immediate effective date.

Amending sections 85-2-102, 85-2-306, 85-2-404, 85-2-436, and 85-2-437, MCA.

Committee Hearings: Senate Natural Resources

Second Reading Votes: Senate 23-27

Second reading indefinitely postponed 27-23

**HB 59 Bob Pavlovich**

*Allow Use of Closed Road to Retrieve Big Game in Certain Cases*

An act allowing a hunter to use a motor-driven vehicle on a closed road to retrieve big game after 6 P.M.

Amending section 87-3-125, MCA.

Committee Hearings: House Fish and Game

Tabled in House committee

**HB 94 Matt Brainard**

*Exemption from 10-mile Shooting Preserve Restriction for Disabled Falconry*

An act providing an exemption from the 10-mile location restriction for a shooting preserve established and operated exclusively for the practice of falconry hunting by the disabled; and providing an immediate effective date.

Amending section 87-4-502, MCA.

Committee Hearings: House Fish and Game

Second Reading Votes: House 64-36



Motion passed to suspend rules and take from third reading.  
Rereferred back to House committee  
Tabled in House committee

**HB 122 Bob Raney**

*Majority Support Needed to Develop Park or Fishing Access Site*

An act providing that if the majority of the persons and entities submitting written or oral comment to the Department of Fish, Wildlife, and Parks is opposed to the Department's proposed improvement or development of a state park or fishing access site, the Department may not proceed with the improvement or development until certain conditions are met; providing an exception for maintenance, weed control, and necessary sanitary and safety measures; and requiring the Department to report to the public the potential impacts on existing uses and users.

Committee Hearings:	House Fish and Game Senate Fish and Game
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Second Reading Vote:	House 45-53
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House reconsidered previous action and voted to place again on second reading,  
53-42

Second Reading Vote:	House 51-47
Third Reading Vote:	House 51-49

Tabled in Senate committee

**HB 172 Bob Raney**

*Require Certain Priorities for Improvement of Fishing Access Sites and Parks*

An act requiring that the Fish, Wildlife, and Parks Commission and the Department of Fish, Wildlife, and Parks place the highest priority for maintenance, improvement, or development of a fishing access site or state park on weed control and streambank restoration for the site or park; requiring the department to report to the legislature on compliance with the priority for weed control and streambank restoration; and providing an effective date.

**HB 172 (cont.)**

Committee Hearings:

House Appropriations

Tabled in House committee

**HB 224 Diana Wyatt**

*Establish Shooting Range Development Grants*

An act statutorily appropriating money to the Department of Fish, Wildlife, and Parks for grants for the establishment and improvement of shooting ranges; establishing shooting range development grants and criteria for grants; and providing an effective date.

Amending section 17-7-502, MCA.

Committee Hearings:

House Appropriations

Tabled in House committee

**HB 262 Red Menahan**

*Provide Special Wild Buffalo Disease Control License and Regulations*

An act providing for special wild buffalo disease control licenses and for regulation of those licenses; and providing an immediate effective date.

Amending section 87-2-701, MCA; and repealing section 87-1-215, MCA.

Committee Hearings:

House Fish and Game

Tabled in House committee

Motion failed to take from committee and place on second reading, 49-50

**HB 339 Brad Molnar**

*Revise Nonresident FWP Permit Issuance and Elk Special Permit Requirements*

An act revising the system of issuance of special permits issued by the Department of Fish, Wildlife, and Parks by providing that special permits must be issued on a district basis rather than on a regional basis.

Amending section 87-2-702, MCA.

Committee Hearings:

House Fish and Game

Tabled in House committee

**HB 348 Hal Harper**

*Authority of FWP Commission and Outfitter Board to Regulate Certain Use of Montana Water*

An act providing for regulation of the recreational and commercial use of Montana's public waters in certain cases by allowing the Fish, Wildlife, and Parks Commission and the Board of Outfitters to adopt and enforce rules to address impacts caused by recreational users, preserve the diversity of recreational opportunities, minimize recreational user conflicts, or protect the public health, public safety, or property; and providing an immediate effective date.

Amending sections 37-47-201 and 87-1-303, MCA.

Committee Hearings:

House Fish and Game

Second Reading Votes:

House 41-56

**HB 391 Roger Debruycker**

*Limit Location of Shooting Preserve to 40 Miles from another Preserve*

An act requiring that a shooting preserve be located at least 40 miles from another shooting preserve; and providing an immediate effective date.

Amending section 87-4-502, MCA.

**HB 391 (cont.)**

Committee Hearings:

House Fish and Game

Tabled in House committee

**HB 451 Jim Elliott**

*Revise Sale and Season Provisions of Class D-2 Resident Mountain Lion License*

An act revising the provisions regarding the sale and season of the class D-2 resident mountain lion license; requiring that the class D-2 license be available for purchase through any license agent; requiring that the class D-2 license season coincide with the general big game hunting season; and providing a delayed effective date.

Amending section 87-2-508, MCA.

Committee Hearings:

House Fish and Game

Tabled in House committee

**HB 456 Bob Ream**

*Provide Funding and Rules Regarding Pick-up and Disposal of Road-Killed Wildlife*

An act allowing a person to possess and dispose of a game animal killed by a motor vehicle upon verification and payment of a fee; assessing on motor vehicles a fee to be used by the Department of Transportation and the Department of Fish, Wildlife, and Parks for the pick-up and disposal of road-killed wildlife; allowing the departments to contract for that service; creating the road-killed wildlife disposal fund; and allowing the Department of Fish, Wildlife, and Parks to establish rules for the charitable, individual, and commercial use of road-killed wildlife.

Committee Hearings:

House Highways and  
Transportation

Tabled in House committee

**HB 486 Rick Jore**

*Rescind 1994 Tribal-State Hunting and Fishing Agreement Renegotiation Terms*

An act terminating the state-tribal hunting and fishing cooperative agreement between the Confederated Salish and Kootenai Tribes of the Flathead Reservation and the state of Montana; providing additional statutory criteria to be applied upon a renegotiation of the agreement; and providing an immediate effective date and an applicability date.

Amending section 87-1-228, MCA.

Committee Hearings:

House Fish and Game

Tabled in House committee

Motion failed to take from committee and place on second reading, 35-61.

**HB 575 Bob Raney**

*Generally Revise FWP Fisheries Goals and Funding, Fisheries Management Trust*

An act generally revising the law regarding the administration, goals, and budget prioritization of the Fisheries Division of the Department of Fish, Wildlife, and Parks; establishing the Fisheries Management Trust Account; appropriating a portion of general license revenue, certain money dedicated under the Future Fisheries Improvement Program, and certain capital improvement funds to the Fisheries Management Trust Account; directing that the interest on money in the account be expended for the enhancement of Montana's fisheries and allowing the account to be used as bond security for the Future Fisheries Improvement Program; and providing an effective date.

Committee Hearings:

House Appropriations

Died in House committee

**HJR 8 Marian Hanson**

*Urge Congress to Reintroduce Wolves in Other Areas if Placed in Yellowstone*

A joint resolution of the Senate and the House of Representatives of the state of Montana urging the United States Congress to provide for the reintroduction of

wolves in every region of the nation that does not presently have a wolf population if wolves are reintroduced in the Yellowstone Park Ecosystem.

Committee Hearings:

House Fish and Game

Tabled in House committee

## Fish and Wildlife--Other

Passed \*

SB 352 \* Lorents Grosfield

### *Limit Criminal Liability of Landowner Who Kills Trespassing Bison*

An act providing a limitation on the criminal liability of a landowner or agent who takes a publicly owned wild buffalo or bison, suspected of carrying disease, that is present on the landowner's private property or threatening the landowner's livestock under certain conditions; prohibiting supplemental feeding of big game animals; requiring the Department of Fish, Wildlife, and Parks and the Department of Livestock to work to prevent contact between wild buffalo or bison and livestock and to report to the legislature regarding that work; and providing an immediate effective date.

Amending sections 87-1-215 and 87-3-130, MCA.

Committee Hearings:

Senate Fish and Game  
House Fish and Game

Second Reading Votes:

Senate 42-6; House 95-3

Third Reading Votes:

Senate 44-6; House 94-3

House amended, Senate did not concur 50-0

Conference committee report adopted: Senate 43-6; House 99-0

# Forest Management

**Passed \***

**SB 347 \* William Crismore**

*Board of Land Commissioners Grant of Reciprocal Access re State Forest Lands*

An act authorizing the Department of State Lands to negotiate reciprocal access to facilitate the management of isolated state forest lands; allowing the Board to waive survey requirements; and defining "analysis requirements".

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes  
Third Reading Votes

Senate 41-9; House 71-28  
Senate 41-9; House 73-25

House amended, Senate concurred 41-4

**SJR 2 \* Mike Halligan**

*Joint Resolution in Support of National Forest Service Museum in Missoula*

A joint resolution of the Senate and the House of Representatives of the state of Montana supporting the establishment and operation of a National Forest Service Museum to be located at Missoula, Montana.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:  
Third Reading Votes:

Senate 49-0; House 55-42  
Senate 45-1; House 50-50

Failed House third reading

House reconsidered previous action and passed third reading, 68-31.

House amended, Senate concurred 47-3



**HB 201 \* Alvin Ellis**

*Annual Sustainable Yield as Factor in Management of Forested State Lands*

An act requiring that annual sustainable yield be used as a factor in the management of forested state trust lands; defining "annual sustainable yield" and establishing annual sustainable yield as the annual timber sale requirement; providing for decennial review of annual sustainable yield; providing that a portion of income from sustainable yield from school trust land be used to fund school technology; and providing an effective date.

Amending section 20-9-343, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 29-20; House 65-34
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Third Reading Votes:	Senate 29-21; House 63-34
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Motion to take from committee and refer to Agriculture, Livestock and Irrigation failed in House 32-55

Senate amended, House concurred 61-36

Governor amended: Senate concurred 39-11, House concurred 62-36

**HB 274 \* Doug Wagner**

*Expedite State Timber Sales in Emergency and Limited Access Situations*

An act granting the Department of State Lands broader discretion to expedite sales of state timber in emergency and limited access opportunity situations; exempting certain limited access opportunity timber sales from the bid process requirements; and exempting certain emergency and limited access opportunity timber sales from the Montana Environmental Policy Act.

Amending section 77-5-201, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 49-1; House 93-5
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Third Reading Votes:	Senate 44-6; House 96-1
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**HB 501 \* Shiell Anderson**

*Require Written Undertaking in Action for Injunction re: Land Board Decision*

An act requiring a written undertaking in any civil action seeking an injunction or restraining order to set aside a decision by the Board of Land Commissioners regarding the use or disposition of state land.

Committee Hearings:

Senate Judiciary  
House Judiciary

Second Reading Votes:

Senate 30-15; House 70-28

Third Reading Votes:

Senate 34-16; House 71-29

**HJR 26 \* Aubyn Curtiss**

*Resolution Opposing Closure of Missoula Regional Forest Service Office*

A joint resolution of the Senate and the House of Representatives of the state of Montana urging that the Northern Region Forest Service Regional Office remain in Missoula; opposing restructuring that would move the office out of Missoula; urging public participation in Forest Service restructuring decisions and supporting meaningful federal agency restructuring.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 48-0; House 78-17

Third Reading Votes:

Senate 42-7; House 77-19

**Failed**

**SB 128 Greg Jergeson**

*Surcharge on Certain Residential Improved Land to Defray Fire Suppression Costs*

An act imposing a surcharge on owners and lessees of residential improved lots or parcels in forest fire protection districts to defray increased costs of fire suppression on forest land.

Amending sections 76-13-102, 76-13-201, and 76-13-209, MCA.

64 / Forest Management

Committee Hearings:

Senate Natural Resources

Second Reading Vote:

Senate 24-22

Third Reading Vote:

Senate 25-25

Reconsidered and placed on second reading, 28-22

Second reading do pass motion failed, 21-27

Second reading indefinitely postponed, 30-19

Died in committee



# Land Use

## Local Government Regulation

Passed \*

SB 52 \* John Harp

*Substitute Real Property Owner for Freeholder in Municipal Annexation Law*

An act clarifying annexation law by substituting real property owners for freeholders and, with respect to municipal annexation with the provision of services laws, by substituting real property owners for resident freeholders; and providing an immediate effective date.

Amending sections 7-2-4205, 7-2-4305, 7-2-4313, 7-2-4314, 7-2-4323, 7-2-4324, 7-2-4409, 7-2-4502, 7-2-4506, 7-2-4601, 7-2-4606, 7-2-4610, 7-2-4704, 7-2-4705, 7-2-4710, 7-2-4741, and 7-2-4751, MCA.

Committee Hearings:

Senate Local Government  
House Local Government

Second Reading Votes

Senate 48-0; House 82-14

Third Reading Votes

Senate 48-1; House 87-12

SB 181 \* Jeff Weldon

*Revise Limits on Outdoor Advertising Signs; Revise Sign Permit Fees*

An act revising the definition of "unzoned commercial or industrial area" as applied to outdoor advertising; revising the limitations on certain outdoor advertising signs; revising the fees for certain sign permits; and providing an immediate effective date.

Amending sections 75-15-103, 75-15-105, 75-15-111, 75-15-113, and 75-15-122, MCA.

**SB 181 (cont.)**

Committee Hearings:

Senate Highways and  
Transportation  
House Highways and  
Transportation

Second Reading Votes

Senate 33-17; House 77-23

Third Reading Votes

Senate 34-16; House 73-26

House amended, Senate did not concur 25-20

Conference committee report adopted: Senate 33-17, House 78-22

**SB 207 \* Kenneth Mesaros**

*Protect Agricultural Activities from Zoning and Nuisance Restrictions*

An act providing protection for agricultural activities from governmental zoning and nuisance restrictions.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation  
House Agriculture, Livestock  
and Irrigation

Second Reading Votes:

Senate 49-0; House 92-6

Third Reading Votes

Senate 46-3; House 91-7

House amended, Senate concurred 50-0

**SB 423 \* Lorents Grosfield**

*Revise Certain School Finance Laws--Bonus Payments--Rural Impact*

An act revising certain school finance laws; changing the status of school district general bonus payments in determining general fund balance operating reserve funds; allowing rural school districts to negotiate for voluntary impact payments to the district building fund to cover development in the district; and providing an immediate effective date.

Amending sections 20-9-204, 20-9-508, and 76-3-601, MCA.

Committee Hearings:

Senate Education and Cultural  
Resources  
House Education and Cultural  
Resources

Second Reading Votes:

Senate 49-0; House 95-3

Third Reading Votes:

Senate 49-0; House 95-4

**HB 185 \* Ernest Bergsagel**

*Revise County Land Planning Funds; Allocation*

An act revising the law requiring a fixed allotment of county land planning funds.

Amending section 90-1-108, MCA.

Committee Hearings:

Senate Local Government  
House Local Government

Second Reading Votes

Senate 50-0; House 96-0

Third Reading Votes

Senate 48-1; House 98-0

**HB 292 \* Dan Fuchs**

*Require Written Statement Detailing Results of Subdivision Review Process*

An act requiring a reviewing authority to prepare a written statement as to the conditions surrounding a subdivision approval or certification denial or condition imposition related to the sanitary restrictions.

Amending section 76-4-104, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 49-0; House 95-4

Third Reading Votes:

Senate 49-1; House 92-6

**HB 358 \* Cliff Trexler**

*Change Protest Requirements for Zoning Adoption*

An act changing the protest requirements for zoning adoption.

Amending sections 76-2-101 and 76-2-205, MCA.

Committee Hearings:

Senate Local Government  
House Local Government

Second Reading Votes

Senate 50-0; House 66-33

Third Reading Votes

Senate 39-11; House 74-25

Senate amended, House did not concur 93-2

Free conference committee report adopted: Senate 41-8, House 79-19

**HB 425 \* Bob Keenan**

*Require Payment of Property Taxes before Final Approval of Subdivision Plat*

An act requiring the payment of all taxes assessed and levied on land before a final subdivision plat is approved.

Amending section 76-3-611, MCA.

Committee Hearings:

Senate Local Government  
House Local Government

Second Reading Votes

Senate 48-0; House 96-2

Third Reading Votes

Senate 48-1; House 97-2

**HB 473 \* Dick Knox**

*Subdivision Revision*

An act generally revising local subdivision laws; modifying the requirements for an environmental assessment; modifying bonding requirements for public improvements; modifying park dedication requirements; establishing payment criteria for the extension of capital facilities; establishing mitigation guidelines; providing for suits against local governments; and providing an applicability date.



Amending sections 7-16-2324, 76-3-102, 76-3-207, 76-3-507, 76-3-603, 76-3-608, and 76-3-609, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 26-23; House 67-29

Third Reading Votes:

Senate 27-23; House 72-28

Senate amended, House concurred 73-25

**HB 524 \* Jeanette McKee**

*Revise Resort Community Population and Economic Well-Being Requirements*

An act revising the population and economic well-being requirements to qualify as a resort community; excluding goods and services sold for resale from the resort tax; requiring notice prior to the election of the goods and services subject to the resort tax; and providing an immediate effective date.

Amending sections 7-6-4461, 7-6-4463, and 7-6-4464

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes:

Senate 26-21; House 54-45

Third Reading Votes:

Senate 27-23; House 57-38

Senate amended, House did not concur 44-50

Reconsidered previous action and placed back on third reading, 64-31.

Senate amended, House concurred 59-33

**HB 534 \* Dan Harrington**

*Property Taxation of Undeveloped or Planned Industrial Parks*

An act allowing certain undeveloped land owned by a local economic development organization to qualify as an industrial park for property tax purposes.

Amending section 15-24-1901, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes:

Senate 49-0; House 89-10

Third Reading Votes:

Senate 48-0; House 86-13

**HB 562 \* Kenneth Wennemar**

*Delete Agricultural Special Eligibility Criteria for Certain Property Taxes*

An act deleting the agricultural special eligibility criteria for sod, ornamental, nursery, or horticultural property that required at least 10 acres in the production of those crops; and providing an applicability date.

Amending section 15-7-202, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes:

Senate 45-0; House 91-7

Third Reading Votes:

Senate 48-0; House 97-2

**Failed**

**SB 182 Jeff Weldon**

*Allow Local Governments to Adopt Ordinances Regulating Outdoor Advertising*

An act authorizing counties and incorporated cities and towns to adopt ordinances and zoning regulations governing outdoor advertising; and providing an immediate effective date.

Committee Hearings:

Senate Local Government  
House Local Government

Second Reading Votes:

Senate 45-4

Third Reading Votes:

Senate 38-11

Died in House committee

**SB 197 Delwyn Gage**

*Revise State Land Payment to Counties*

An act revising the computation of state land equalization payment to fully reimburse counties for lost taxes because of state lands within the counties; revising the land to which payments apply; and providing an immediate effective date and an applicability date.

Amending sections 77-1-501, 77-1-502, and 77-1-504, MCA.

Committee Hearings:	Senate Local Government House Taxation
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Second Reading Votes:	Senate 49-0
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Third Reading Votes:	Senate 45-4
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Tabled in House committee

**SB 225 Daryl Toews**

*Require Sale of Some State Lands in Daniels, Valley, Garfield and Phillips County*

An act requiring the sale of certain state lands in Daniels, Valley, Garfield and Phillips Counties, reserving a portion of state mineral and royalty interests in the lands; and providing conditions of sale unless the conditions do not meet the constitutional requirements regarding sale of state lands.

Amending sections 77-2-301, 77-2-303, 77-2-304, 77-2-307, and 77-2-329, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 28-22
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Third Reading Votes:	Senate 27-23
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Tabled in House committee

**SB 227 Jeff Weldon**

*Reduce to 1/8 Mile Outside City Limits Area City Can Enforce its Building Code*

An act reducing the area in which a municipality may enforce its building code from 4 1/2 miles to 1 mile; clarifying that a county building code supersedes a municipal building code outside the municipality's limits; and clarifying a person's right to appeal the application of a provision of a municipal building code or of the state building code.

Amending sections 50-60-101 and 50-60-303, MCA.

Committee Hearings:

Senate Local Government  
House Local Government

Second Reading Votes:

Senate 24-23

Third Reading Votes:

Senate 27-23

Tabled in House committee

Motion failed to take from committee and place on second reading, 53-38 (4-4-95).

Motion failed to take from committee and place on second reading, 53-45 (4-5-95).

**SB 230 Terry Klampe**

*Authorize Resort Tax for All Local Governments with 50% for Property Tax Relief*

An act allowing all counties and incorporated municipalities to adopt a resort tax; requiring 50% of the tax proceeds to go to property tax relief; and providing an effective date.

Amending sections 7-6-4461, 7-6-4462, 7-6-4464, 7-6-4466, 7-6-4467, 7-6-4468, and 7-6-4469, MCA.

Committee Hearings:

Senate Local Government

Tabled in Senate committee

**SB 262 Mike Sprague**

*No Effect of Master Plan on Subdivisions*

An act prohibiting a local government from requiring a subdivision to conform to a master plan.

Amending section 76-1-606, MCA.

Committee Hearings:

Senate Local Government

Tabled in Senate committee

**SB 282 Jim Burnett**

*Require Highway Surveys and Land Transfers to Conform to Subdivision Act*

An act requiring the Department of Transportation to establish the property boundaries of land that is subject to the Montana Subdivision and Platting Act when land is being acquired for state highways.

Amending section 76-3-209, MCA.

Committee Hearings:

Senate Local Government  
House Highways and  
Transportation

Second Reading Votes:

Senate 50-0

Third Reading Votes:

Senate 41-9

Tabled in House committee

**SB 323 Tom Beck**

*Revise Emergency Zoning Provisions*

An act requiring local governments to hold a public meeting before adopting interim zoning regulations; increasing the public notice requirements for creating interim zoning districts; and providing a definition of emergency for purposes of interim zoning.

Amending sections 76-2-206 and 76-2-306, MCA.

**SB 323 (cont.)**

Committee Hearings:	Senate Local Government House Local Government
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Second Reading Votes:	Senate 35-14
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Third Reading Votes:	Senate 38-12
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Tabled in House committee

Rules suspended to take from committee and place on second reading, 62-37.

Second Reading Votes:	House 64-31
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Third Reading Votes:	House 64-33
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Motion failed to suspend rules to receive amendments after transmittal deadline, 32-16.

Died in committee

**SB 399 Jim Burnett**

*Revise Method of Forming County Planning Board and Creation of Master Plan*

An act revising the method of creating a county planning board to require a vote of the electors; providing for the repeal of the resolution creating the county planning board; requiring a master plan to be submitted to a vote of the electors; and requiring use of eminent domain proceedings for property interests reduced as a result of the application of the master plan.

Amending sections 76-1-104, 76-1-601, 76-1-604, and 76-1-605, MCA.

Committee Hearings:	Senate Local Government
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Tabled in Senate committee

**HB 361 Mike Kadas**

*Prohibiting Zoning Regulations Limiting Persons Based on Their Relationship*

An act prohibiting municipalities from enacting zoning provisions that regulate the number of persons who may reside in a dwelling based solely on the relationship of the persons.

Amending section 76-2-304, MCA.

Committee Hearings:

House Local Government

Tabled in House committee

**HB 397 Carolyn Squires**

*Prohibit Local Government from Requiring Sewer Hookup Based on Distance to Sewer Line*

An act prohibiting an incorporated city or town or a county from requiring a landowner to hook up to a sewer line instead of replacing a septic system based on the distance of the land or residence from the sewer line.

Committee Hearings:

House Local Government

Tabled in House committee

**HB 398 Carolyn Squires**

*Prohibit City from Obtaining Waiver of Person's Right to Protest Annexation*

An act prohibiting an incorporated city or town from requiring or obtaining a waiver of the right to protest annexation from any person entitled to protest annexation.

Committee Hearings:

House Local Government

Adverse committee report adopted: House 89-9

**HB 438 Matt Brainard**

*Require City Annexation be Approved by Voters of City and Area being Annexed*

An act requiring a city to obtain approval of annexation by a majority vote of the electors of the area to be annexed and by a majority vote of the electors of the city.

Amending sections 7-2-4303, 7-2-4311, 7-2-4312, 7-2-4314, 7-2-4501, and 7-2-4711; and repealing sections 7-2-4321, 7-2-4322, 7-2-4323, 7-2-4324, 7-2-4325, and 7-2-4502, MCA.

Committee Hearings:

House Local Government

Tabled in House committee

**HB 605 Ed Grady**

*Eliminate State Junk Vehicle Program*

An act eliminating the State Junk Vehicle Program; authorizing a county to operate a junk vehicle program; and providing a delayed effective date.

Amending sections 61-3-211, 75-10-501, 75-10-504, 75-10-511, 75-10-513, 75-10-514, 75-10-516, 75-10-521, 75-10-522, 75-10-531, 75-10-541, and 75-10-542, MCA; and repealing sections 61-3-508, 75-10-503, 75-10-515, 75-10-532, 75-10-533, and 75-10-534, MCA.

Committee Hearings:

House Local Government

Tabled in House committee



## Parks and Recreation

### Passed \*

#### SB 211 \* Thomas Keating

##### *Property Owners Liability Toward Persons Using Property for Recreation*

An act revising the laws relating to a property owner's liability toward persons who make recreational use of the property.

Amending sections 70-16-301 and 70-16-302, MCA.

Committee Hearings:

Senate Judiciary  
House Judiciary

Second Reading Votes

Senate 48-2; House 95-1

Third Reading Votes

Senate 47-3; House 97-3

House amended, Senate concurred 48-2

#### SB 268 \* Don Hargrove

##### *Allow Snowmobile Operation by Person with Safety Certificate*

An act revising the restrictions in operating a snowmobile without a Montana driver's license by allowing the operation by a person who has completed an approved snowmobile safety education course and who is accompanied and supervised by a person who is 18 years of age or older.

Amending section 23-2-631, MCA.

Committee Hearings:

Senate Local Government  
House Highways and  
Transportation

Second Reading Votes

Senate 48-1; House 95-3

Third Reading Votes

Senate 47-2; House 96-3

**SB 303 \* Bob Pipinich**

*Prohibit Person from Operating Personal Watercraft within 150 Feet of Others*

An act prohibiting a person from operating a personal watercraft at greater than no-wake speed within 100 feet of a dock, swimmer, swimming raft, nonmotorized boat, or anchored vessel on a river; clarifying the age requirements for operation of a motorboat or personal watercraft; and providing an immediate effective date.

Amending sections 23-2-523, and 23-2-531, MCA.

Committee Hearings:

Senate Fish and Game  
House Fish and Game

Second Reading Votes:

Senate 33-14; House 60-39

Third Reading Votes:

Senate 37-13

On motion rules suspended to place back on second reading

Second Reading Votes:

House 83-5

Third Reading Votes:

House 41-8

**SB 321 \* Chuck Swysgood**

*Revise Percentage of District Gas Tax to Snowmobile Account; Clarify Use of Funds*

An act increasing the percentage of a distributor's gasoline license tax creditable to the snowmobile account; clarifying percentages of the account that must be used for enforcement and weed control purposes; and providing an effective date.

Amending section 60-3-201.

Committee Hearings:

Senate Highways and  
Transportation  
House Highways and  
Transportation

Second Reading Votes:

Senate 49-1; House 79-21

Third Reading Votes:

Senate 42-8; House 75-21

House amended, Senate concurred 46-3

**HB 600 \* Paul Sliter**

*Revise Boating Fees, Safety Enhancement, Advisory Council and Primitive Parks*

An act providing flexibility for funding the state's recreational boating safety program by allowing the Department of Fish, Wildlife, and Parks to contract with counties to implement parts of the program; reducing from 25 percent to 20 percent the amount of the boat fee in lieu of tax that may be used for improving regional boating facilities and allocating that amount for an additional 7 years; delaying termination of the Boating Advisory Council for 7 years; allowing the Boating Advisory Council to advise the Department on the expenditure of all funds in the motorboat account and to be reimbursed for costs from the motorboat account; revising the fine for failure to pay the boat fee in lieu of tax; removing Lambeth State Park from the list of primitive parks in order to allow road and facility improvements at the park; adding Big Pine Management Area to the list of primitive parks; and providing an effective date and a termination date.

Amending sections 23-1-116, 23-2-518, 23-2-519, 23-2-533, and 23-2-536, MCA, and section 6, Chapter 511, Laws of 1993;

Committee Hearings:

Senate Fish and Game  
House Fish and Game

Second Reading Votes:

Senate 31-10; House 83-14

Third Reading Votes:

Senate 34-14; House 86-12

**Failed**

**SB 183 Jeff Weldon**

*Establish a Scenic Byways Program; DOT and Highway Commission Administration*

An act establishing a scenic byways program; authorizing an advisory council for the scenic byways program and describing the council's duties; authorizing the Highway Commission and the Department of Transportation to administer the program; and providing an immediate effective date.

Amending section 60-1-103, MCA.

Committee Hearings:

Senate Highways and  
Transportation

Tabled in Senate Committee

## State and Public Lands

Passed \*

### SB 122 \* Daryl Toews

#### *Revise Process of Granting Right of Way Easements on State Lands*

An act revising the process of granting right-of-way easements on state lands; eliminating the requirement that plats be verified by affidavit of a county surveyor or county or city engineer; providing that an archeological survey of a right-of-way is not required in certain instances; eliminating the deed for right-of-way; and providing an immediate effective date.

Amending sections 77-2-102 and 77-2-103, MCA.

Committee Hearings:

Senate Local Government  
House Natural Resources

Second Reading Votes

Senate 50-0; House 87-11

Third Reading Votes

Senate 50-0; House 93-6

House amended, Senate concurred 50-0

### SB 347 \* William Crismore

#### *Board of Land Commissioners Grant of Reciprocal Access re State Forest Lands*

An act authorizing the Department of State Lands to negotiate reciprocal access to facilitate the management of isolated state forest lands; allowing the Board to waive survey requirements; and defining "analysis requirements".

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes

Senate 41-9; House 71-28

Third Reading Votes

Senate 41-9; House 73-25

House amended, Senate concurred 41-4

**SB 365 \* Mack Cole**

*An Act Changing Criteria for Approval of Reclaimed Vegetation*

An act changing criteria for approval of reclaimed vegetation seeded using introduced species approved by the Department of State Lands; and providing a contingent effective date.

Amending section 82-4-235, MCA.

Committee Hearings:	Senate Natural Resources House Agriculture, Livestock and Irrigation
Second Reading Votes:	Senate 48-2; House 97-0
Third Reading Votes:	Senate 43-7; House 96-3

**HB 50 \* Don Larson**

*Revise State Lands Timber Sale Account and Timber Appraisal and Bid Process*

An act revising and making permanent certain provisions regarding the sale of timber on state lands; continuing the state timber sale account and placing timber sale revenue in the account in an amount equal to the amount appropriated from the account; removing the requirement for a percentage downpayment upon the award of a timber sale contract; establishing the sale price of live timber on state lands at not less than full market value; and providing an immediate effective date.

Amending sections 77-1-613 and 77-5-204, MCA; and repealing section 12, Chapter 533, Laws of 1993.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	House 99-0
Third Reading Votes:	House 98-0

On motion rules suspended to take from third reading and placed back on second

Second Reading Votes:	Senate 43-0; House 98-0
Third Reading Votes:	Senate 39-0

**HB 195 \* Emily Swanson**

*Implement Recommendations of Governor's Advisory on Public Land\Public Wildlife*

An act implementing certain recommendations of the governor's advisory council on private land\public wildlife; creating programs for hunter management and hunting access enhancement within the block management program; restricting the liability of landowners who participate in the programs; providing a moratorium on the issuance of new land-based hunting outfitter licenses; revising the class B-11 resident sponsor limit by allowing the issuance of only 10 certificates for each sponsor and providing that all deer hunting under the license must be conducted on the sponsor's deeded land; revising requirements for licensees who use an outfitter-reserved license; allowing variable pricing of outfitter-sponsored class B-10 and class B-11 licenses; and providing effective dates, an applicability date, and termination dates.

Amending sections 87-1-201, 87-1-242, 87-2-505, 87-2510, and 87-2-511, MCA.

Committee Hearings:

Senate Fish and Game  
House Fish and Game

Second Reading Votes

Senate 45-4; House 80-17

Third Reading Votes

Senate 39-8; House 88-11

Senate amended, House concurred 68-31

**HB 263 \* Aubyn Curtiss**

*Clarify Trust Responsibility of Board of Land Commissioners*

An act clarifying the trust responsibilities of the Board of Land Commissioners.

Amending section 77-1-202, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 36-3; House 67-33

Third Reading Votes:

Senate 34-15; House 67-31

Motion failed to take from Senate third reading and place back on second reading

**HB 274 \* Doug Wagner**

*Expedite State Timber Sales in Emergency and Limited Access Situations*

An act granting the Department of State Lands broader discretion to expedite sales of state timber in emergency and limited access opportunity situations; exempting certain limited access opportunity timber sales from the bid process requirements; and exempting certain emergency and limited access opportunity timber sales from the Montana Environmental Policy Act.

Amending section 77-5-201, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 49-1; House 93-5

Third Reading Votes:

Senate 44-6; House 96-1

**HB 351 \* Ray Peck**

*Clarify Disposal of Certain University Land*

An act authorizing the Board of Regents to dispose of university land; establishing procedures for the disposition of university land; requiring the concurrence of the Board of Land Commissioners for the sale or exchange of university land; and providing an effective date.

Amending sections 20-25-422 and 77-1-101, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 48-0; House 95-5

Third Reading Votes:

Senate 47-2; House 94-3

Senate amended, House concurred 96-3

**HB 485 \* Ernest Bergsagel**

*Amend Historic Preservation Law*

An act relating to preservation of heritage property; changing the membership of the Preservation Review Board; providing for the appointment procedure and supervision of the historic preservation officer; requiring the development of procedures and guidelines for inventorying, documenting, and evaluating heritage properties; providing a procedure for nomination of property to the National Register of Historic Places; requiring avoidance and mitigation in the development of certain property; and providing an immediate effective date.

Amending sections 2-15-1512, 22-3-421, and 22-3-423, MCA.

Committee Hearings:	Senate Education and Cultural Resources House Appropriations
Second Reading Votes:	Senate 29-21; House 82-17
Third Reading Votes:	Senate 29-21; House 80-18

**HB 489 \* Ed Grady**

*Allow Sale/Exchange of Certain State Lands; Community or Public Use Factors*

An act allowing the sale of certain state land or the exchange of certain state land; and allowing a commitment to use the property for a community service or public purpose to constitute partial or total consideration for the transfer of the land.

Amending section 77-2-351, MCA.

Committee Hearings:	Senate Natural Resources House Natural resources
Second Reading Votes:	Senate 47-0; House 91-8
Third Reading Votes:	Senate 46-0; House 88-12



**HB 501 \* Shiell Anderson**

*Require Written Undertaking in Action for Injunction re: Land Board Decision*

An act requiring a written undertaking in any civil action seeking an injunction or restraining order to set aside a decision by the Board of Land Commissioners regarding the use or disposition of state land.

Committee Hearings:

Senate Judiciary  
House Judiciary

Second Reading Votes:

Senate 30-15; House 70-28

Third Reading Votes:

Senate 34-16; House 71-29

**HJR 26 \* Aubyn Curtiss**

*Resolution Opposing Closure of Missoula Regional Forest Service Office*

A joint resolution of the Senate and the House of Representatives of the state of Montana urging that the Northern Region Forest Service Regional Office remain in Missoula; opposing restructuring that would move the office out of Missoula; urging public participation in Forest Service restructuring decisions and supporting meaningful federal agency restructuring.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 48-0; House 78-17

Third Reading Votes:

Senate 42-7; House 77-19

**Failed**

**SB 28 Gary Aklestad**

*Revise Calculation of State Land Equalization Payment*

An act revising the computation of the state land equalization payment to fully reimburse counties for lost taxes because of state lands within the counties; and providing an immediate effective date and a retroactive applicability date.

Amending section 77-1-502, MCA.

**SB 28 (cont.)**

Committee Hearings:

Senate Taxation

Tabled in Senate Committee

**SB 43 Tom Beck**

*Allow MDOT Conservation Easement; Eliminates Right to Redeem Sale*

An act authorizing the Department of Transportation to reserve a conservation easement in land or an interest in land sold by the state; and eliminating the provision allowing a landowner from whom the Department of Transportation acquires real property to redeem the property at the sale price within 10 days after the sale.

Committee Hearings:

Senate Highways and  
Transportation

Tabled in Senate committee

**SB 145 Thomas Keating**

*Return Public Domain to State--Montana Land Reformation Act*

An act relating to public resource land; providing for transition to state ownership and control of certain land within state boundaries upon congressional or judicial approval; providing for management by the Board of Land Commissioners; establishing a multiple-use policy for management of the resource land; providing a penalty; and providing an effective date.

Committee Hearings:

Senate Natural Resources

Tabled in Senate committee

Second Reading Votes:

Senate 20-30

Second reading indefinitely postponed 30-20

**SB 267 Gary Forrester**

*Require Posting of State Recreational Lands, Contingent on Use Fee Increase*

An act requiring the posting of customary access points to state recreational lands by the Department of State Lands; allocating a portion of the increase in the recreational use fee, if an increase is adopted, to pay the costs of posting; requiring that posting be completed within 10 years; and providing a contingent effective date.

Amending sections 77-1-802 and 77-1-808, MCA.

Committee Hearings:	Senate Natural Resources; referred to Senate Fish and Game
Second Reading Votes	Senate 25-23
Third Reading Votes	Senate 23-27

**SB 336 Tom Beck**

*Set State Land Lease and Use Fees by Statute Rather than by Land Board Rule--  
Pre 93*

A act setting lease and use fee rates on state school trust lands by statute, rather than by rule of the Board of Land Commissioners; establishing surface lease rates and use fees at pre-July 1993 levels; eliminating the State Land Board Advisory Council; and providing an immediate effective date and an applicability date.

Amending sections 77-1-208, 77-1-209, 77-1-802, 77-6-202, 77-6-205, 77-6-302, 77-6-305, 77-6-306, 77-6-502, 77-6-507, and 77-6-508, MCA and repealing sections 77-1-106 and 77-1-120, MCA and Section 17, Chapter 586, Laws of 1993.

Committee Hearings:	Senate Taxation House Taxation
Second Reading Votes:	Senate 27-19; House 26-24
Tabled in House committee	

**HB 42** William Rehbein, Jr.

*Penalty for Installing Facility or Structure on State Land without Permission*

An act providing a penalty for installing a facility or structure on state land without permission of the Department of State Lands; and requiring removal of the facility or structure and reclamation of disturbed state land or payment of an easement, lease, or license in lieu of removal.

Committee Hearings:

Senate Natural Resources

Second Reading Votes:

Senate 47-52

**HB 81** Gary Feland

*Revising Oil and Gas Leasing and Prospecting Permits on State Lands*

An act revising the law governing mineral development on state lands; revising prospecting permits on state lands by making the permit nonexclusive; prohibiting mechanized prospecting; eliminating the preference rights to lease and compensation for improvements; and generally revising the statutes regarding leasing of state lands for oil and gas.

Amending sections 77-3-131, 77-3-423, 77-3-432, 77-3-433, 77-3-435, and 77-3-442, MCA; and repealing section 77-3-132, MCA.

Committee Hearings:

House Natural Resources

Tabled in House committee

**HB 218** Roger Debruycker

*Require Sale of Certain State Lands*

An act requiring the sale of state-owned public lands, with certain exceptions; providing that no additional state leases for agricultural, grazing, or other surface uses be granted and that as surface leases expire, the lands be sold to the highest bidder, with a sale preference extended to the prior lessee to match the highest bid; removing the acreage limitation applicable to the purchase of state lands; increasing the time limit for a lessee to remove improvements; increasing agricultural lease crop share rental to one-third; increasing rental penalties to \$100;

revising the method of payment for purchases of state lands by repealing the installment payment process; allowing voluntary termination of a lease; and providing an immediate effective date.

Amending sections 77-1-103, 77-1-106, 77-1-120, 77-1-202, 77-1-203, 77-1-204, 77-1-208, 77-1-209, 77-1-301, 77-1-402, 77-1-601, 77-2-105, 77-2-201, 77-2-202, 77-2-203, 77-2-206, 77-2-207, 77-2-211, 77-2-212, 77-2-217, 77-2-301, 77-2-302, 77-2-306, 77-2-308, 77-2-309, 77-2-318, 77-2-324, 77-2-325, 77-2-328, 77-2-329, 77-2-351, 77-3-102, 77-3-201, 77-3-207, 77-3-301, 77-3-303, 77-3-401, 77-3-402, 77-3-407, 77-3-441, 77-3-442, 77-3-501, 77-3-502, 77-4-101, 77-4-103, 77-4-128, 77-4-129, 77-6-102, 77-6-103, 77-6-116, 77-6-202, 77-6-203, 77-6-204, 77-6-205, 77-6-206, 77-6-208, 77-6-211, 77-6-302, 77-6-303, 77-6-304, 77-6-305, 77-6-306, 77-6-501, and 77-6-506, MCA; and repealing sections 77-2-303, 77-2-307, 77-2-311, 77-2-312, 77-2-330, 77-2-331, 77-2-332, 77-2-333, and 77-3-302, MCA.

Committee Hearings:

House Natural Resources

Tabled in House committee

**HB 290 Roger Debruycker**

*Isolated Land Access Procedure*

An act establishing a method of providing access to isolated land; providing for a petition to and a hearing by the Board of County Commissioners; requiring findings and compensation for access; requiring the owner of the isolated land to pay all costs for providing access; and providing for review of awards.

Committee Hearings:

House Judiciary

Tabled in House committee

**HB 341 Don Larson**

*Trust Land Replacement Account; Allow Deferred Exchange of State and Private Land*

An act facilitating the diversification of state trust land holdings and improving income-producing potential for the school trust by revising the method of exchanging state trust land for private land; creating the trust land replacement

account and providing for expenditure from the account; establishing procedures for the deferred exchange of state land for private land; and providing an immediate effective date.

Amending section 77-2-203, MCA.

Committee Hearings:

House Natural Resources

Tabled in House committee

Motion failed to take from committee and place on second reading, 32-52.

**HB 350 Ray Peck**

*Clarify Board of Land Commissioner's Authority over all Public Land*

An act clarifying the authority of the Board of Land Commissioners over all state land; and providing an effective date.

Amending 20-25-422 and 77-1-101, MCA.

Committee Hearings:

House Natural Resources

Tabled in House committee

**HB 483 Alvin Ellis**

*Withdraw Disclaimer of Right and Title to Unappropriated Public Land*

An act submitting to the qualified electors of Montana an amendment to Ordinance No. 1, withdrawing the disclaimer of right and title to unappropriated public lands; and providing an effective date.

Committee Hearings:

House Natural Resources

Tabled in House committee

**HJR 29** Karl Ohs

*State Lands Interim Study*

A joint resolution of the Senate and the House of Representatives of the state of Montana requesting the Environmental Quality Council to appoint an ad hoc committee to study certain state lands management issues; and requiring a report of the findings of the study to the 55th Legislature.

Committee Hearings:

House Natural Resources

Died in House committee

## Takings/Private Property Rights

**Passed \***

**SB 231 \* Kenneth Mesaros**

### *Private Property Right Considerations Under MEPA*

An act revising the purpose and policy of the Montana Environmental Policy Act to include private property right considerations and impacts of state government actions.

Amending sections 75-1-102, 75-1-103, and 75-1-201, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 49-0; House 78-22

Third Reading Votes:

Senate 48-2; House 75-23

**HB 311 \* Larry Grinde**

### *Assessment of Executive Branch Actions Affecting Private Property*

An act providing for a review and assessment of proposed state government executive branch actions that might result in depriving a property owner of all or part of the use or economic value of private property in a manner requiring compensation under the 5th and 14th amendments to the United States Constitution or Article II, Section 29, of the Montana Constitution.

Committee Hearings:

Senate Judiciary  
House Judiciary

Second Reading Votes:

Senate 35-10; House 99-1

Third Reading Votes:

Senate 39-11; House 98-0

Senate amended, House concurred 91-7



## Failed

### HB 538 David Ewer

#### *Private Property Protection via Citizen Suit under Water Quality Laws*

An act providing a citizen the private right of action to compel compliance with the water quality statutes.

Amending section 75-5-636, MCA.

Committee Hearings:

House Natural Resources

Tabled in House committee

### HB 597 Jack Wells

#### *Private Property Protection Act*

An act relating to taking of private property by governmental agencies; providing for compensation and alternative dispute resolution; prohibiting use of the Public Trust Doctrine as a defense of taking of private property; and providing an appropriation.

Committee Hearings:

House Judiciary

Tabled in House committee

## Land Use--Other

### Passed \*

#### HB 439 \* Karl Ohs

*Establish Policy Requiring DFWP to Work with Landowner on Land Entry and User Policy*

An act establishing a policy for the Department of Fish, Wildlife, and Parks regarding entry upon private land by requiring the department to work with the landowner on land entry and user policies.

Committee Hearings:

Senate Fish and Game  
House Fish and Game

Second Reading Votes:

Senate 46-0; House 91-8

Third Reading Votes:

Senate 50-0; House 86-12

### Failed

#### SB 128 Greg Jergeson

*Surcharge on Certain Residential Improved Land to Defray Fire Suppression Costs*

An act imposing a surcharge on owners and lessees of residential improved lots or parcels in forest fire protection districts to defray increased costs of fire suppression on forest land.

Amending sections 76-13-102, 76-13-201, and 76-13-209, MCA.

Committee Hearings:

Senate Natural Resources

Second Reading Vote:

Senate 24-22

Third Reading Vote:

Senate 25-25

Reconsidered and placed on second reading, 28-22

Second Reading Votes:

Senate 21-27

Second reading indefinitely postponed, 30-19

# Mineral Development

## Exploration, Operation, Reclamation

**Passed \***

**SB 186 \* Tom Beck**

*DSL Abandoned Mine Reclamation Authority*

An act expanding the authority of the Department of State Lands to reclaim abandoned hard-rock and opencut mine sites; authorizing the filing of liens; limiting redisturbance of reclaimed sites; and providing an immediate effective date.

Amending section 82-4-305, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes

Senate 49-0; House 90-3

Third Reading Votes

Senate 40-5; House 90-7

**SB 284 \* Fred Van Valkenburg**

*Require Market Comparison for Pricing Utility Coal*

An act directing the Public Service Commission to use a market based comparison methodology when determining the reasonableness of the cost of coal or other boiler fuel purchased by a regulated public utility from its affiliate; and providing an immediate effective date.

Committee Hearings:

Senate Business and Industry  
House State Administration

**SB 284 (cont.)**

Second Reading Votes  
Third Reading Votes

Senate 40-9; House 89-9  
Senate 42-8; House 89-10

**SB 365 \* Mack Cole**

*An Act Changing Criteria for Approval of Reclaimed Vegetation*

An act changing criteria for approval of reclaimed vegetation seeded using introduced species approved by the Department of State Lands; and providing a contingent effective date.

Amending section 82-4-235, MCA.

Committee Hearings:

Senate Natural Resources  
House Agriculture, Livestock  
and Irrigation

Second Reading Votes:

Senate 48-2; House 97-0

Third Reading Votes:

Senate 43-7; House 96-3

**SB 373 \* Mike Foster**

*Metal Mine Reclamation Bonding Criteria*

An act establishing criteria for the issuance of bonds for metal mine reclamation activities.

Amending section 82-4-338, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes

Senate 33-15; House 94-0

Third Reading Votes

Senate 36-14; House 88-10

**HB 162 \* Lila Taylor**

*Generally Revising the Strip and Underground Mine Reclamation Act*

An act changing the definition of prospecting; and extending the application period for renewal of a mining permit.

Amending sections 82-4-203, 82-4-221, and 82-4-226, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes	Senate 43-0; House 93-5
Third Reading Votes	Senate 39-0; House 98-0

**HB 338 \* Duane Grimes**

*Revise Metal Mine Reclamation Act*

An act amending the metal mine reclamation laws to provide reclamation requirements for open pit and rock faces.

Amending section 82-4-336, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 39-11; House 71-28
Third Reading Votes:	Senate 36-14; House 72-28

Senate amended, House concurred 66-33

**HB 381 \* Dick Knox**

*Metal Mine Reclamation Act Revisions*

An act amending permitting and enforcement procedures for the metal mine reclamation laws; authorizing the administrative assessment of civil penalties; allowing the permit review period to be increased for certain operations; and providing effective dates.

## **HB 381 (cont.)**

Amending sections 82-4-304, 82-4-337, 82-4-341, 82-4-361, and 82-4-362, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 49-0; House 97-0
Third Reading Votes:	Senate 50-0; House 98-0

### **HJR 25 \* Joe Quilici**

#### *Support Technology for Mine Waste in Butte*

A joint resolution of the Senate and the House of Representatives of the state of Montana supporting the continued development and demonstration of innovative technologies for the treatment of mining, energy, defense-related, and other environmental wastes at the Western Environmental Technology Office and by other organizations in Butte.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 46-0; House 92-2
Third Reading Votes:	Senate 50-0; House 94-2

### **Failed**

### **HB 72 Charles DeVaney**

#### *Revise Oil and Gas Drilling Permits*

An act specifying drilling activities requiring a drilling permit from the Board of Oil and Gas Conservation; requiring the filing of a notice of change of operator; requiring a new operator to obtain Board approval; authorizing the Board to charge a fee for drilling permits and filing notices of change of operator; limiting fees to be charged for drilling permits and notices of change of operator; and providing an immediate effective date.

Amending section 82-11-134, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:

House 83-16

Third Reading Votes:

House 80-15

Tabled in Senate committee

**HB 80** Gary Feland

*Revise Forfeiture of Oil and Gas Performance Bond*

An act revising the law on the forfeiture of bonds for performance of the duty to properly plug each dry or abandoned well.

Amending section 82-11-123, MCA.

Committee Hearings:

Senate Natural Resources

House Natural Resources

Second Reading Votes:

House 98-2

Third Reading Votes:

House 89-5

Tabled in House committee

**HB 81** Gary Feland

*Revising Oil and Gas Leasing and Prospecting Permits on State Lands*

An act revising the law governing mineral development on state lands; revising prospecting permits on state lands by making the permit nonexclusive; prohibiting mechanized prospecting; eliminating the preference rights to lease and compensation for improvements; and generally revising the statutes regarding leasing of state lands for oil and gas.

Amending sections 77-3-131, 77-3-423, 77-3-432, 77-3-433, 77-3-435, and 77-3-442, MCA; and repealing section 77-3-132, MCA.

Committee Hearings:

House Natural Resources

Tabled in House committee

**HB 413 Jay Stovall**

*Clarify the Taxable Valuation Allocation for Hard Rock Mining Impact*

An act clarifying the taxable valuation allocation under the hard rock mining impact property tax base; and providing an effective date.

Amending sections 90-6-301, 90-6-307, 90-6-309, and 90-6-404, MCA.

Committee Hearings:

House Taxation

Tabled in House committee



# Solid Waste and Hazardous Materials Management

## Hazardous Materials Management

Passed \*

SB 71 \* Barry Stang

*Revising the Petroleum Tank Release Cleanup Laws*

An act modifying the time within which claims for reimbursement must be filed to be considered eligible for reimbursement from the Petroleum Tank Release Cleanup Fund; revising the makeup of the Petroleum Tank Release Cleanup Board to potentially include a representative of the Petroleum Release Remediation Consultant Industry; and providing effective dates.

Amending sections 2-15-2108 and 75-11-307, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 50-0; House 93-4

Third Reading Votes:

Senate 48-2; House 95-2

House amended, Senate concurred 50-0

SB 200 \* J.D. Lynch

*Revise and Clarify CECRA*

An act revising the Comprehensive Environmental Cleanup and Responsibility Act; clarifying the exemption from liability for persons holding indicia of ownership primarily to protect security interests; extending a limited exemption of fiduciaries; defining "foreclosure" and "fiduciary"; clarifying the statute of limitations for cost recovery to conform to the federal Comprehensive Environmental Response,

*Solid Waste and Hazardous Materials Management / 103*

Compensation and Liability Act; and providing an immediate effective date and an applicability date.

Amending sections 75-10-701, 75-10-711, 75-10-715, 75-10-718, and 75-10-722, MCA.

Committee Hearings:

Senate Judiciary  
House Natural Resources

Second Reading Votes

Senate 45-0; House 90-6

Third Reading Votes

Senate 45-0; House 95-5

House amended, Senate concurred 50-0

**SB 289 \* Vivian Brooke**

*Revise Authority of Agriculture Department to Issue Compliance Order for Chemical Spills*

An act revising the authority of the Department of Agriculture in issuing compliance orders that require the cleanup of agricultural spills to except spills at commercial wood treatment facilities and spills that threaten a public water supply system.

Amending section 80-15-403, MCA.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation  
House Agriculture, Livestock  
and Irrigation

Second Reading Votes

Senate 49-0; House 87-7

Third Reading Votes

Senate 46-4; House 91-8

**SB 382 \* John Harp**

*Revise CECRA, Allocate RIT Interest, Create a Voluntary Cleanup Program*

An act generally revising the method of selecting cleanup required for remedial actions; creating a voluntary cleanup and redevelopment process; establishing the mixed funding pilot program; requiring the department to set up a collaborative process that analyzes the elimination of joint and several liability and related

funding necessary to clean up state superfund sites; and providing an immediate effective date, applicability dates, and termination dates.

Amending sections 15-37-117, 75-10-701, 75-10-721, and 75-10-722, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes	Senate 37-10; House 67-31
Third Reading Votes	Senate 38-11; House 71-27

Returned to Senate with amendments

On motion rules suspended to receive House amendments after transmittal date, 44-6.

House amendments not concurred, 49-0

Free conference committee report adopted: Senate 32-18, House 64-34

#### **SB 386 \* Gerry Devlin**

##### *Exempt Certain Noncommercial Farm and Residential Underground Storage Tanks*

An act exempting certain noncommercial farm and residential underground storage tanks that are 1,100 gallons or less in capacity from the Montana Hazardous Waste and Underground Storage Tank Act; excluding certain noncommercial farm and residential underground storage tanks that are 1,100 gallons or less in capacity from reimbursement for expenses caused by a release; creating a voluntary compliance procedure for reimbursement; and providing an immediate effective date and a termination date.

Amending sections 75-10-403, and 75-11-209, MCA; and repealing section 75-11-217, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes	Senate 50-0; House 79-20
Third Reading Votes	Senate 47-3; House 64-24

House amended, Senate did not concur 50-0

Conference committee report adopted: Senate 50-0, House 77-21

**SB 406 \* Linda Nelson**

*Granting Closure for Non-commercial 1,100 Gallons or Less for UST*

An act requiring the Department of Health and Environmental Sciences to grant closure to noncommercial farm and residential underground storage tanks that are 1,100 gallons or less in capacity.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:  
**SB 401 (cont.)**

Senate 50-0; House 58-41

Third Reading Votes:

Senate 50-0; House 61-38

House amended, Senate concurred 49-1

**SB 415 \* Mack Cole**

*Allow Private Funds to be Donated to Remediate Specific Sites*

An act clarifying that the Environmental Quality Protection Fund allows for private funds to be donated to the Department of Health and Environmental Sciences to remediate a specific release at a specific facility; and providing an immediate effective date.

Amending section 75-10-704, MCA.

Committee Hearings:

Senate Natural Resources  
House Appropriations

Second Reading Votes:  
Third Reading Votes:

Senate 50-0; House 97-0  
Senate 50-0; House 96-0

House amended, Senate concurred 49-0

**HB 315 \* Dan Harrington**

*Immunize Volunteer Fire Department from Hazardous Materials Cleanup Work*

An act providing that a volunteer fire company or department and its employees are not liable for civil damages, except damages for gross negligence or willful or wanton misconduct, for their acts or omissions relating to the investigation, monitoring, cleanup, mitigation, abatement, or removal of a hazardous or deleterious substance in response to a release of the substance.

Committee Hearings:

House Judiciary  
Senate Judiciary

Second Reading Votes:

Senate 48-0; House 100-0

Third Reading Votes:

Senate 47-2; House 99-0

Senate amended, House concurred 98-1

**HB 461 \* Bill Ryan**

*Create Montana Emergency Response to Hazardous Material Incidents Act*

An act creating the Montana Emergency Response to Hazardous Material Incidents Act; and providing an immediate effective date.

Amending section 75-1-1101, MCA.

Committee Hearings:

House Human Services and  
Aging  
Senate Natural Resources

Second Reading Votes:

Senate 46-0; House 93-6

Third Reading Votes:

Senate 46-0; House 90-10

**HB 502 \* Vicki Cocchiarella**

*Clarify Provisions of the Radon Control Act*

An act clarifying the provisions of the Montana Radon Control Act; and clarifying when a radon disclosure statement must be provided to a buyer.

Amending sections 75-3-602 and 75-3-606, MCA.

**HB 502 (cont.)**

Committee Hearings:

Senate Business and Industry  
House Business and Labor

Second Reading Votes:

Senate 48-0; House 81-16

Third Reading Votes:

Senate 44-3; House 80-19

**Failed**

**SB 137 Vivian Brooke**

*Revising the Comprehensive Environmental Cleanup and Responsibility Act*

An act revising the Comprehensive Environmental Cleanup and Responsibility Act; clarifying the third-party defense to liability to conform to the federal Comprehensive Response, Compensation and Liability Act; revising the definition of "hazardous materials incident"; clarifying the statute of limitations for cost recovery to conform to the Federal Comprehensive Environmental Response, Compensation and Liability Act; and providing an immediate effective date and an applicability date.

Amending sections 75-10-715, 75-10-716, and 75-10-722, MCA.

Committee Hearings:

Senate Natural Resources

Tabled in Senate committee

**HB 128 Don Larson**

*Expand Hazardous Material Incident to Include Potential Release*

An act expanding the definition of "hazardous material incident" to include a potential release of a hazardous or deleterious substance.

Amending section 75-10-716, MCA.

Committee Hearings:

House Natural Resources

Tabled in House committee

**HB 498 Vicki Cocchiarella**

*An Act Creating a Lead-Based Paint Hazard Control Program*

An act creating a Lead-Based Paint Hazard Control Program; creating a lead-based paint hazard control account; and authorizing the Board of Health and Environmental Sciences to promulgate rules governing lead-based paint activities.

Committee Hearings: House Business and Labor

Second Reading Votes: House 44-53

Motion failed to reconsider action and place on second reading, 45-51.

**HB 499 Vicki Cocchiarella**

*Lead Poisoning Prevention Program*

An act directing the Department of Health and Environmental Sciences to establish a Lead Poisoning Reduction Program; requiring reporting of lead poisoning; authorizing the department to implement a case management system; requiring a health care provider or a health care facility employee who makes a diagnosis of lead poisoning to provide to the victim information concerning treatment and followup; and providing effective dates.

Committee Hearings: House Business and Labor

Second Reading Votes: House 41-52

Segregated from the committee of the whole report and placed back on second reading

Second Reading Votes: House 50-50

Motion failed to reconsider 46-51

## Hazardous Waste

Passed \*

SB 349 \* Mike Foster

*Generally Revise Commercial Hazardous Waste Permit Requirements*

An act requiring site-specific ambient air quality and meteorological monitoring at commercial hazardous waste incinerators; requiring commercial hazardous waste incinerators to provide telemetering service to the Department of Health and Environmental Sciences with an immediate notification system activated when emissions approach or exceed permitted limits; clarifying allowable intakes; requiring commercial hazardous waste incinerators to achieve the lowest allowable emission levels; establishing a presumption of continuing violation for certain violations of the Clean Air Act of Montana; and providing an immediate effective date.

Amending sections 75-2-231 and 75-2-413, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes

Senate 50-0; House 84-13

Third Reading Votes

Senate 50-0; House 80-18

House amended, Senate concurred 50-0

HB 75 \* William Wiseman

*Authorizing DHES to Adopt Standards for the Management of Used Oil*

An act authorizing the Department of Health and Environmental Sciences to establish and enforce standards for the management of used oil; and providing an immediate effective date.

Amending sections 75-10-402, 75-10-403, 75-10-405, 75-10-410, 75-10-415, 75-10-416, 75-10-418, 75-10-422, and 75-10-424, MCA.

*110 / Solid Waste and Hazardous Materials Management*



Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 35-14; House 70-28

Third Reading Votes:

Senate 41-8; House 70-30

**HB 215 \* Vicki Cocchiarella**

*Disclosure Statement Required for Hazardous Waste Management Permit*

An act amending the requirements for a hazardous waste management facility permit; requiring a disclosure statement; and establishing criteria for the denial or conditioning of a permit.

Amending section 75-10-403, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 50-0; House 76-21

Third Reading Votes:

Senate 50-0; House 80-17

**HJR 25 \* Joe Quilici**

*Support Technology for Mine Waste in Butte*

A joint resolution of the Senate and the House of Representatives of the state of Montana supporting the continued development and demonstration of innovative technologies for the treatment of mining, energy, defense-related, and other environmental wastes at the Western Environmental Technology Office and by other organizations in Butte.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 46-0; House 92-2

Third Reading Votes:

Senate 50-0; House 94-2

## **Failed**

### **SB 199 Mike Foster**

#### *Requirements for Commercial Hazardous Waste Incinerators*

An act creating siting criteria for commercial hazardous waste incinerators; and providing an immediate effective date.

Amending section 75-10-403, MCA.

Committee Hearings:

Senate Natural Resources

Tabled in Senate committee

Motion failed to take from committee and place on second reading, 18-32.

Died in Senate committee

### **SB 344 Larry Tveit**

#### *Provide Incentives for Energy Recovery of All Wastes*

An act defining "energy recovery"; clarifying the hazardous waste management fees; and providing an effective date.

Amending sections 75-10-403 and 75-10-433, MCA.

Committee Hearings:

Senate Natural Resources

Tabled in Senate committee

### **HB 403 Duane Grimes**

#### *Minimum Monitoring Requirements for Commercial Hazardous Waste Incinerators*

An act establishing minimum stack monitoring requirements for commercial hazardous waste incinerators; and establishing a presumption of continuing violation for certain violations of the Clean Air Act of Montana.

Amending section 75-2-413, MCA.

Committee Hearings:

House Natural Resources

Tabled in House committee

## Solid Waste

### Passed \*

**SB 358** \* Mike Halligan

*Revise Income and Corporate Tax Credit Policy for Recycling of Material*

An act relating to the income and corporate tax credit for recycling of material; extending the termination date for the credit; providing that certain depreciable property used for the treatment of hazardous wastes in soils qualifies for the credit; and providing an applicability date.

Amending sections 15-32-601, 15-32-602, and 15-32-603, MCA and section 9, chapter 712, Laws of 1991.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes:

Senate 46-0; House 93-7

Third Reading Votes:

Senate 50-0; House 92-7

House amended, Senate concurred 46-1

### Failed

**SB 142** Tom Beck

*Generally Revise Junk Vehicle Laws*

An act generally revising laws concerning junk vehicles and motor vehicle wrecking facilities; including a demolition derby or stock car vehicle in the definition of junk vehicle; establishing an initial license application fee; providing for administrative enforcement of junk vehicle and motor vehicle wrecking facility laws; and providing an immediate effective date.

Amending sections 61-3-211, 61-12-402, 75-10-501, 75-10-503, 75-10-504, 75-10-505, 75-10-511, 75-10-512, 75-10-513, 75-10-514, 75-10-515, 75-10-516, 75-10-532, 75-10-541, and 75-10-542, MCA.

**SB 142 (cont.)**

Committee Hearings:

Senate Local Government  
House Local Government

Second Reading Votes:

Senate 34-11

Third Reading Votes:

Senate 36-13

Tabled in House committee

**SB 162 Steve Doherty**

*Extend Termination Date for Recycling Tax Credits and Tax Deductions*

An act extending the termination date for tax credits for investments in depreciable property to collect or process reclaimed material or to manufacture a product from reclaimed material and for tax deductions for the use of recycled materials.

Amending section 9, Chapter 712, Laws of 1991.

Committee Hearings:

Senate Taxation

Tabled in Senate committee

**HB 427 Bob Raney**

*State Government to Aggressively Pursue Electronic Provision of Services*

An act providing that the state of Montana aggressively handle state agency transactions electronically; providing for cooperation with schools, local governments, and tribal governments; and providing that the Department of Administration coordinate and furnish expertise in establishing an electronic transactions system for the state of Montana.

Amending sections 2-17-302, 2-17-305, and 2-17-502, MCA.

Committee Hearings:

House State Administration

Tabled in House committee

**HB 458 Don Larson**

*Exempt Local Governments from Certificate of Public Convenience for Haul/Contract Garbage*

An act providing a motor carrier exemption from a certificate of public convenience and necessity for local governments transporting solid waste and for local government contracts for transporting solid waste.

Amending sections 69-12-102, 69-12-314, 69-12-321, and 69-12-324, MCA.

Committee Hearings:

House Business and Labor

Tabled in House committee

**HB 605 Ed Grady**

*Eliminate State Junk Vehicle Program*

An act eliminating the state Junk Vehicle Program; authorizing a county to operate a junk vehicle program; and providing a delayed effective date.

Amending sections 61-3-211, 75-10-501, 75-10-504, 75-10-511, 75-10-513, 75-10-514, 75-10-516, 75-10-521, 75-10-522, 75-10-531, 75-10-541, and 75-10-542, MCA; and repealing sections 61-3-508, 75-10-503, 75-10-515, 75-10-532, 75-10-533, and 75-10-534, MCA.

Committee Hearings:

House Local Government

Tabled in House committee

# Taxation of Minerals and Allocation of Mineral Revenues

## Coal Severance Tax Rates

### Passed

#### SB 338 \* Greg Jergeson

*Exempt from Severance Tax Oil and Gas Produced by Well Drilling after 3/31/95*

An act exempting from the state severance tax for 24 months oil or natural gas produced from a well drilled after March 31, 1995; and providing an immediate effective date and contingent applicability dates.

Amending sections 15-36-101 and 15-36-121, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes

Senate 46-3; House 82-16

Third Reading Votes

Senate 48-2; House 82-17

House amended, Senate did not concur 50-0

Conference committee report adopted: Senate 47-0, House 77-22

#### HB 343 \* Don Holland

*Severance Tax Exemption for Certain Amount of Coal for Enhancement Facility*

An act providing an exemption from the coal severance tax for a certain amount of coal produced for a coal enhancement facility; and providing an immediate effective date, an applicability date, and a termination date.

Amending sections 15-23-703, 15-35-102, and 15-35-103, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes

Senate 41-8; House 83-14

Third Reading Votes

Senate 44-6; House 85-13

## Failed

### SB 152 Thomas Keating

#### *Repeal RITT When Resource Indemnity Trust Fund Reaches \$100 Million*

An act repealing the Resource Indemnity Trust Tax when the Resource Indemnity Trust fund reaches \$100 million; reallocating metalliferous mines license taxes; and providing effective dates and applicability provisions.

Amending sections 15-37-117, 15-38-103, 15-38-202, 82-11-162, 85-1-604, 85-2-905, and 90-2-1104, MCA; repealing sections 15-38-104, 15-38-105, 15-38-106, 15-38-107, 15-38-110, 15-38-111, 15-38-112, 15-38-113, 15-38-121, 15-38-125, 15-38-126, 15-38-127, 15-38-128, and 15-28-136, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes

Senate 28-21

Third Reading Votes

Senate 26-24

Tabled in House taxation

### SB 273 Loren Jenkins

#### *Cap Coal Trust*

An act submitting to the qualified electors of Montana an amendment to Article IX, Section 5, of the Montana Constitution to end dedicated deposits to the Coal Severance Tax Trust fund; and providing an effective date.

Committee Hearings:

Senate Taxation

Tabled in Senate committee

## Other Mineral Tax Rates

**Passed \***

**SB 45 \* Tom Beck**

*Clarify Tax Rate on Oil Production from Horizontal Wells*

An act clarifying the tax rate that applies to oil production from horizontally completed wells; making the withholding from royalty interests standard; and providing an immediate effective date and a retroactive applicability date.

Amending sections 15-16-102, 15-16-121, and 15-23-607, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes:

Senate 49-0; House 88-6

Third Reading Votes:

Senate 48-0; House 92-8

House amended, Senate concurred 50-0

**SB 407 \* Chuck Swysgood**

*Establish Value of Industrial Garnets for Net Proceeds and RITT Purposes*

An act establishing the value of industrial garnets and associated byproducts for net proceeds property tax purposes and for Resource Indemnity Trust Tax purposes; exempting 1,000 tons of rougher garnet concentrate, under certain conditions, from the net proceeds tax; establishing a specific Resource Indemnity Trust Tax rate for industrial garnets and associated byproducts; and providing an immediate effective date and a retroactive applicability date.

Amending sections 15-6-131, 15-8-111, 15-23-103, 15-23-106, 15-23-115, 15-23-502, 15-23-503, 15-23-521, 15-38-103, and 15-38-104, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes

Senate 39-0; House 95-5

Third Reading Votes

Senate 49-0; House 94-4

*118 / Taxation of Minerals*



**SB 412 \* Lorents Grosfield**

*Generally Revise the Taxation of Oil and Gas Production*

An act generally revising the taxation of oil and natural gas; eliminating the oil and natural gas net proceeds tax, the local government severance tax, the state oil and gas severance tax, and the oil and gas privilege and license tax; imposing oil and natural gas production taxes based on the type of well and type of production; providing for the distribution of oil and natural gas production taxes; providing a disbursement to school districts and local governments to replace net proceeds and local government severance tax revenue; exempting oil and natural gas production from the Resource Indemnity Trust Tax; providing an allocation of oil and natural gas production tax revenue for the purposes of the Montana Resource Indemnity Trust and Ground Water Assessment Act; providing for the accelerated payment of local government severance taxes for production year 1995; authorizing counties to establish an oil and natural gas accelerated tax fund; allowing school districts to use accelerated local government severance tax payments for any budget purpose; and providing effective dates and applicability provisions.

Amending sections 7-1-2111, 7-7-2101, 7-7-2203, 7-14-2524, 7-14-2525, 7-16-2327, 15-1-501, 15-6-208, 15-16-102, 15-23-103, 15-23-104, 15-23-106, 15-23-115, 15-38-105, 15-38-121, 15-38-202, 17-7-502, 20-9-104, 20-9-141, 20-9-161, 20-9-331, 20-9-333, 20-9-501, 20-9-507, 20-10-144, 20-10-146, 82-11-118, 82-11-135, and 82-11-162, MCA; and repealing sections 15-16-121, 15-23-601, 15-23-602, 15-23-603, 15-23-605, 15-23-606, 15-23-607, 15-23-608, 15-23-609, 15-23-610, 15-23-611, 15-23-612, 15-23-613, 15-23-614, 15-23-621, 15-23-631, 15-36-101, 15-36-102, 15-36-103, 15-36-104, 15-36-105, 15-36-106, 15-36-107, 15-36-108, 15-36-109, 15-36-110, 15-36-112, 15-36-113, 15-36-114, 15-36-120, 15-36-121, 15-36-122, 15-36-126, 82-11-131, 82-11-132, and 82-11-133, MCA, and chapter 33, laws of 1995.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes

Senate 45-1; House 99-0

Third Reading Votes

Senate 47-3; House 98-0

**SB 424 \* Mack Cole**

*Revise the Calculation of Unit Value for Local Government Severance Tax*

An act revising the calculation of unit value for local government severance tax purposes; excluding from the unit value calculation net proceeds taxes on oil and natural gas that are attributable to an emergency levy imposed in fiscal year 1990 on 1988 production; and providing an immediate effective date and a retroactive applicability date.

Amending section 15-36-112, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Tabled in Senate committee

Motion passed to take from committee and place on second reading, 23-19

Second Reading Votes

Senate 40-9; House 80-15

Third Reading Votes

Senate 38-12; House 89-9

**HB 38 \* Dan Harrington**

*Clarify the Resource Indemnity Trust Tax on Certain Minerals*

An act clarifying the Resource Indemnity Trust Tax on talc, coal, vermiculite, and limestone; and providing an immediate effective date and a retroactive applicability date.

Amending sections 15-38-103 and 15-38-104, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes

Senate 50-0; House 100-0

Third Reading Votes

Senate 46-0; House 100-0

**HB 90 \* Gary Feland**

*Conditionally Exempt First Three Barrels of Stripper Oil from State Severance Tax*

An act exempting the first three barrels a day of stripper well production from the state severance tax if the average price per barrel of oil received during a calendar quarter is less than \$30; excluding nonworking interest owners from the stripper well exemption; and providing an effective date, an applicability date, and a contingent voidness provision.

Amending sections 15-26-101 and 15-36-121, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes

Senate 47-1; House 69-29

Third Reading Votes

Senate 47-2; House 66-30

Senate amended, House did not concur 73-26

Free conference committee vote: Senate 43-7, House 72-26

**HB 164 \* Hal Harper**

*Tax on Compressed Natural Gas; Licensing; Records; Administration; Enforcement*

An act providing for the collection of a tax on compressed natural gas at the retail level; establishing requirements for dealer licensing and recordkeeping and procedures for inspection, payment of tax, penalties, and administration related to the tax; requiring the owners of certain vehicles powered by compressed natural gas to purchase a temporary trip permit; and providing effective dates.

Amending sections 15-70-104 and 15-71-102, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes:

Senate 29-19; House 81-15

Third Reading Votes

Senate 28-15; House 82-16

Senate amended, House concurred 86-12

**HB 418 \* Charles DeVaney**

*Increase Privilege and License Tax on Oil and Natural Gas Producers*

An act increasing the privilege and license tax on producers of oil and natural gas; and providing effective dates and an applicability date.

Amending section 82-11-131, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes

Senate 49-0; House 68-29

Third Reading Votes

Senate 46-2; House 63-37

Senate amended, House did not concur 97-0

Free conference committee report adopted: Senate 45-2, House 92-5

**Failed**

**SB 176 Greg Jergeson**

*Reduce Gasoline and Diesel Tax by 5 Cents Per Gallon*

An act reducing gasoline and special fuels taxes 5 cents per gallon; and providing an effective date.

Amending sections 15-70-204 and 15-70-321, MCA.

Committee Hearings:

Senate Taxation

Tabled in Senate committee

Motion failed to take from committee and place on second reading, 22-28

## Allocation of Coal Severance Tax Revenues

Passed \*

HB 19 \* Ernest Bergsagel

### *Reallocate Coal Tax from Highways to Long-Range Building*

An act allocating coal tax revenue to the Long-Range Building Program; establishing a Long-Range Building Program account; terminating the allocation of coal tax revenue to highway reconstruction; transferring funds from the Long-Range Building Program account to the general fund upon occurrence of a contingency; and providing an effective date.

Amending sections 15-35-108 and 16-11-119, MCA and sections 1 and 4, Chapter 191, Laws of 1991.

Committee Hearings:

Senate Finance and Claims  
House Appropriations  
Joint Subcommittee on Long  
Range Planning

Second Reading Votes:

Senate 38-9; House 90-9

Third Reading Votes:

Senate 42-8; House 87-9

HB 30 \* Hal Harper

### *Clarify Coal Trust Available for In-State Investment*

An act clarifying the portion of the permanent Coal Tax Trust fund available to the Board of Investments for the in-state investment program.

Amending section 17-6-305, MCA.

Committee Hearings:

Senate State Administration  
House Business and Labor

Second Reading Votes:

Senate 50-0; House 77-23

Third Reading Votes:

Senate 50-0; House 76-21

**HB 354 \* Norm Mills**

*Revise Microbusiness Development Program*

An act revising the laws governing microbusiness development; increasing the allowable amount of a microbusiness loan; appropriating money from the coal severance tax permanent fund to the Department of Commerce for microbusiness development; and providing an effective date.

Amending sections 17-6-407 and 17-6-411, MCA.

Committee Hearings:

Senate Finance and Claims  
House Appropriations

Second Reading Votes:

Senate 48-1; House 86-14

Third Reading Votes:

Senate 48-2; House 89-11

Senate amended, House concurred 87-12

**Failed**

**HJR 28 Emily Swanson**

*Interim Study of the Resource Indemnity Trust (RIT) and the RIT Tax*

A joint resolution of the Senate and the House of Representatives of the state of Montana requesting a comprehensive study of the constitutional Resource Indemnity Trust and the Resource Indemnity Trust Tax; and requiring a report of the findings of the study to the 55th Legislature.

Committee Hearings:

House Taxation

Second Reading Votes:

House 45-55

## Allocation of Other Mineral Tax Revenues

**Passed \***

**SB 38 \* Steve Benedict**

### *Job Investment Act*

An act establishing the job investment act; authorizing the Department of Commerce to administer a portion of the permanent coal tax trust fund for loans to businesses to create and retain jobs; revising the administration of permanent coal tax funds for seed capital and research and development projects; and providing an immediate effective date.

Amending section 17-6-308, MCA.

Committee Hearings:

Senate Business and Industry  
House Business and Labor

Second Reading Votes:

Senate 50-0; House 57-43

Third Reading Votes:

Senate 45-0; House 66-29

House amended, Senate did not concur 47-0

Conference committee report adopted by Senate 47-0, rejected by House 17-82.  
Free conference committee report adopted: Senate 50-0, House 79-20

**HB 569 \* Scott Orr**

### *Revise the Allocation of the Metal Mines License Tax*

An act revising the allocation of the Metal Mines License Tax; allocating a portion of the tax to the Renewable Resource Grant and Loan Program Account and to the Reclamation and Development Grants Program Account; annually allocating \$240,000 from the Renewable Resource Grant and Loan Program Account to Montana State University-Northern; inserting language relating to the Ground Water Assessment Account to conform to Senate Bill No. 46, which was enacted as Chapter 31, Laws of 1995; and providing an effective date.

**HB 569 (cont.)**

Amending sections 7-6-2225, 7-6-2226, 15-37-117, 15-38-202, 20-9-231, 85-1-604, and 90-2-1104, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes

Senate 48-0; House 74-25

Third Reading Votes

Senate 46-2; House 80-18

Senate amended, House concurred 87-11

**Failed**

**SB 383 Larry Tveit**

*Revise Distribution of Oil and Gas Production Taxes Based on Liability*

An act providing for the distribution of oil and natural gas production taxes; providing that the distribution of oil and natural gas production taxes is based on tax liability; providing that the distribution of local government severance taxes for calendar year 1995 production is based on unit value; and providing a contingent effective date.

Committee Hearings:

Senate Taxation

Tabled in Senate committee

Motion passed to take from committee and place on second reading, 37-11

Taken from second reading and rereferred back to Senate Taxation

Died in committee



# Water

## Appropriation and Adjudication

**Passed \***

**SB 144 \* Vivian Brooke**

*Upper Clark Fork Basin Plan Recommendations*

An act closing the Upper Clark Fork River Basin to further appropriations; amending the duties of the Upper Clark Fork Basin Steering Committee; providing for a 10-year Upper Clark Fork Basin Instream Flow Pilot Program to benefit the fishery resource; providing for the awarding of reasonable attorney fees to the prevailing party in water use permit and change approval proceedings; and providing an immediate effective date, an applicability date, and a termination date.

Amending sections 85-2-102, 85-2-125, 85-2-335, 85-2-336, 85-2-338, 85-2-402, 85-2-404, and 85-2-436, MCA.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation  
House Agriculture, Livestock  
and Irrigation

Second Reading Votes:

Senate 49-0; House 98-1

Third Reading Votes

Senate 50-0; House 97-3

**SB 203 \* Lorents Grosfield**

*Water Rights Compact for Bighorn Canyon and Little Bighorn Battlefield*

An act ratifying a reserved water rights compact between the United States National Park Service and the state of Montana for the Bighorn Canyon National Recreation Area and the Little Bighorn Battlefield National Monument; and providing an effective date and an applicability provision.

Committee Hearings:

Senate Judiciary  
House Natural Resources

Second Reading Votes  
Third Reading Votes

Senate 50-0; House 80-20  
Senate 49-0; House 78-22

**SB 387 \* Tom Beck**

*Water Adjudication Revisions*

An act clarifying application of common-law rules of issue and claim preclusion to the adjudication of existing water rights; expanding the water claim appeal process; clarifying standing for objections to water claims; establishing a Water Adjudication Advisory Committee; and providing an immediate effective date.

Amending sections 3-7-103, 85-2-233, and 85-2-235, MCA.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation; rereferred to  
Judiciary  
House Natural Resources

Second Reading Votes  
Third Reading Votes

Senate 43-0; House 93-2  
Senate 37-2; House 92-6

House amended, Senate concurred 45-4

**HB 137 \* Robert Story**

*Generally Revise Water Laws*

An act generally revising water laws; providing for notice of availability of decrees to be sent to the successor of the original owners of water rights; and providing an immediate effective date.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation  
House Natural Resources

Second Reading Votes  
Third Reading Votes

Senate 49-0; House 87-10  
Senate 48-0; House 86-13

**HB 472 \* Dick Knox**

*Instream Flow--Authorizations--Limitations*

An act allowing an existing appropriative water right to be temporarily changed to instream flow to benefit the fishery resources; establishing additional criteria for and limitations on changes to instream flow to benefit the fishery resources; and providing a termination date.

Amending sections 85-2-402 and 85-2-407, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 30-14; House 93-6

Third Reading Votes

Senate 35-14; House 89-10

**Failed**

## Development and Irrigation

**Passed \***

**SB 147 \* John Hertel**

### *State Water Project Law Revisions*

An act generally revising the water resource administration of state water project laws; establishing a self-supporting lease management program for water project lands; allowing the Department of Natural Resources and Conservation to transfer or dispose of an inactive state water project without a determination of market value; clarifying the Department of Natural Resources and Conservation's duty to maintain financial records of state water projects; and providing an effective date.

Amending sections 85-1-202, 85-1-204, 85-1-206, 85-1-209, 85-1-210, 85-1-211, and 85-1-215, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes

Senate 49-0; House 91-3

Third Reading Votes

Senate 50-0; House 97-3

House amended, Senate concurred 50-0

**SB 204 \* Grosfield**

### *Public Water Supply Act Enforcement Revisions*

An act clarifying existing enforcement authority under the public water supply laws; and requiring the Department of Health and Environmental Sciences to consider established criteria when seeking civil or administrative penalties.

Amending sections 75-6-109 and 75-6-114, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes  
Third Reading Votes

Senate 49-0; House 96-0  
Senate 45-0; House 97-1

House amended, Senate concurred 49-1

**HB 170 \* Sam Rose**

*Allow Imposition of Acreage Limitation in Irrigation District*

An act allowing members of an irrigation district, by special election or petition, to require the Board of Commissioners of the irrigation district to impose an acreage limitation on the size of farms that will be serviced by the irrigation district; allowing a landowner or lessee who irrigates acreage in excess of the limitation to continue operations under certain conditions; and allowing an irrigation district that has implemented an acreage limitation to withhold water to acreage in excess of the limitation.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation  
House Agriculture, Livestock  
and Irrigation

Second Reading Votes  
Third Reading Votes

Senate 49-0; House 96-2  
Senate 46-0; House 92-2

**HB 308 \* David Ewer**

*Revise Water/Sewer Law Re: Rates, Termination, Collection and Issuing Bonds*

An act revising laws relating to county water and sewer districts; providing for rates based upon the direct benefit of facilities; clarifying that water and sewer districts are subject to open meeting requirements; providing for notice and for public hearings; providing for termination of services and collection of delinquent charges as a tax lien upon property or by filing suit in any court with jurisdiction; authorizing the issuance of general obligation bonds; and providing an immediate effective date.

Amending section 7-13-2218, 7-13-2274, 7-13-2275, 7-13-2301, 7-13-2321,  
and 7-13-2324, MCA.

Committee Hearings:

Senate Local Government  
House Local Government

Second Reading Votes:  
Third Reading Votes:

Senate 49-0; House 91-8  
Senate 50-0; House 86-11

Senate amended, House did not concur 44-56  
Free conference committee report adopted: Senate 46-3, House 90-9

## **Failed**

### **SB 391 Lorents Grosfield**

#### *Emergency Ground Water Use--Fishery Resource Benefits*

An act requiring the Department of Fish, Wildlife, and Parks to identify critical low-water stream reaches for the fishery resource; allowing emergency ground water use to benefit the fishery resource in critical low-water streams; granting abandonment protection for voluntary nonuse of water in critical low-water streams; exempting emergency ground water use in critical low-water streams from the provisions of basin closures; revising the water leasing program; and providing an immediate effective date.

Amending sections 85-2-102, 85-2-306, 85-2-404, 85-2-436, and 85-2-437, MCA.

Committee Hearings: Senate Natural Resources

Second Reading Votes: Senate 23-27

Second reading indefinitely postponed, 27-23

### **HB 459 Vicki Cocchiarella**

#### *Allow First-Class City to Close Irrigation Ditch if not 90% Commercial Use*

An act allowing a first-class city to close a ditch running through its boundary if 90% of the property in an irrigation district does not use the ditch for commercial irrigation purposes; and requiring the city to replace lost commercial irrigation water with a well if requested to do so by the owner of the property.

Amending section 7-31-4207, MCA.

**HB 459 (cont.)**

Committee Hearings:

House Agriculture, Livestock  
and Irrigation

Tabled in House committee

## Water Quality

**Passed \***

### **SB 46 \* Chuck Swysgood**

#### *Ground Water Assessment and Monitoring Program Funding*

An act allocating a portion of the Metalliferous Mines License Tax to be deposited in the Ground Water Assessment Account; and providing an immediate effective date and a retroactive applicability date.

Amending sections 15-37-117 and 85-2-905, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 48-0; House 91-7

Third Reading Votes:

Senate 48-0; House 89-10

### **SB 78 \* Lorents Grosfield**

#### *Water Quality Permit Enforcement, Fee and Bonding Revisions*

An act modifying certain requirements for the Water Pollution Control Advisory Council; revising fee requirements for holders of a permit or authorization under the water quality laws; revising the enforcement provisions of the water quality laws to clarify existing enforcement authority; and providing an effective date.

Amending sections 75-5-221, 75-5-401, 75-5-516, 75-5-601, 75-5-616, 75-5-621, 75-5-631, 75-5-632, and 75-5-636, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 48-1; House 95-2

Third Reading Votes:

Senate 43-2; House 96-3

House amended, Senate concurred 49-1



**SB 153 \* Vivian Brooke**

*Conform to Safe Drinking Water Act; Create Wellhead Protection Program*

An act conforming certain definitions to the Federal Safe Drinking Water Act; authorizing the Board of Health and Environmental Sciences to establish requirements by rule for voluntary programs for cross-connections; specifying the water supply, sewage and waste systems that require review and approval of plans and specifications by the Department of Health and Environmental Sciences; clarifying certain definitions in the operator certification laws; allowing voluntary participation in a wellhead protection program; and authorizing county governments to adopt wellhead protection area ordinances.

Amending sections 37-42-101, 37-42-102, 75-6-102, 75-6-103, and 75-6-112, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes

Senate 33-16; House 89-10

Third Reading Votes

Senate 33-13; House 88-9

House amended, Senate concurred 50-0

**SB 289 \* Vivian Brooke**

*Revise Authority of the Agricultural Department to Issue Compliance Order for Chemical Spills*

An act revising the authority of the Department of Agriculture in issuing compliance orders that require the cleanup of agricultural chemical spills to except spills at commercial wood treatment facilities and spills that threaten a public water supply system.

Amending section 80-15-403, MCA.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation  
House Agriculture, Livestock  
and Irrigation

Second Reading Votes:

Senate 49-0; House 87-7

Third Reading Votes:

Senate 46-4; House 91-8

**SB 299 \* Tom Beck**

*Revise the Water Quality District Laws to Include Termination Procedures*

An act providing a procedure for terminating local water quality districts or joint local water quality districts; and providing an immediate effective date.

Committee Hearings:	Senate Local Government House Local Government
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Second Reading Votes	Senate 50-0; House 93-1
Third Reading Votes	Senate 49-1; House 98-0

**SB 330 \* Chuck Swysgood**

*Water Quality Nondegradation Provisions*

An act generally revising the water quality nondegradation provisions of the Montana water quality laws; changing the definition of high-quality waters; and changing the definition of interested person.

Amending sections 75-5-103 and 75-5-303, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 34-16; House 63-37 Senate 34-16; House 58-39
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House amended, Senate concurred 37-12

**SB 331 \* Tom Beck**

*Water Quality Act Revisions*

An act generally revising the Water Quality Act; establishing water quality standards; requiring that treatment standards be economically, environmentally, and technologically feasible; and providing an immediate effective date.

Amending sections 75-5-103, 75-5-106, 75-5-301, 75-5-302, 75-5-304, 75-5-305, 75-5-401, 75-5-403, 75-5-605, 75-5-614, 75-5-631, 75-5-636, and 75-6-112, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes	Senate 36-14; House 67-33
Third Reading Votes	Senate 36-14; House 63-35

House amended, Senate concurred 37-12

**SB 346 \* Gary Forrester**

*Temporary Water Treatment Standards--Natural Condition*

An act allowing the Board of Health and Environmental Sciences to temporarily modify water quality standards; and providing an immediate effective date.

Amending sections 75-5-301 and 75-5-302, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes	Senate 50-0; House 95-0
Third Reading Votes	Senate 48-2; House 85-10

House amended, Senate did not concur 46-0

Conference committee appointed

Conference committee dissolved

Free conference committee report adopted: Senate 49-0, House 88-9

**SB 362 \* Larry Tveit**

*Ground Water Permit Provisions--Exemptions*

An act exempting certain activities from ground water discharge permit requirements.

Amending sections 75-5-401 and 75-5-605, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes

Senate 31-18; House 66-34

Third Reading Votes

Senate 34-16; House 59-39

House amended, Senate did not concur 45-0

Conference committee appointed

Conference committee dissolved

Free conference committee report adopted: Senate 40-10, House 62-38

**SB 371 \* Lorents Grosfield**

*Outstanding Resource Waters--Criteria--Limitations*

An act defining "outstanding resources waters"; identifying certain waters as outstanding resource waters; establishing a process for state classification of other waters; and identifying activities that are exempt from the water quality nondegradation review process.

Amending sections 75-5-103, 75-5-301, and 75-5-303, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes

Senate 28-22; House 61-37

Third Reading Votes

Senate 38-12; House 63-37

House amended, Senate concurred 41-9

**SB 386 \* Gerry Devlin**

*Exempt Certain Noncommercial Farm and Residential Underground Storage Tanks*

An act exempting certain noncommercial farm and residential underground storage tanks that are 1,100 gallons or less in capacity from the Montana Hazardous Waste and Underground Storage Tank Act; excluding certain noncommercial farm and residential underground storage tanks that are 1,100 gallons or less in capacity from reimbursement for expenses caused by a release; creating a voluntary compliance procedure for reimbursement; and providing an immediate effective date and a termination date.

Amending sections 75-10-403, and 75-11-209, MCA; and repealing section 75-11-217, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes	Senate 50-0; House 79-20
Third Reading Votes	Senate 47-3; House 64-24

House amended, Senate did not concur 50-0  
Conference committee report adopted: Senate 50-0, House 77-21

**SB 406 \* Linda Nelson**

*Granting Closure for Non-commercial 1,100 Gallons or Less for UST*

An act requiring the Department of Health and Environmental Sciences to grant closure to noncommercial farm and residential underground storage tanks that are 1,100 gallons or less in capacity.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 50-0; House 58-41
Third Reading Votes:	Senate 50-0; House 61-38

House amended, Senate concurred 49-1

**HB 212 \* Shiell Anderson**

*Revise Montana Pesticides Act and Montana Agricultural Chemical Ground Water Protection Act*

An act revising certain provisions of law regarding pesticides and agricultural chemicals; revising the Montana Pesticides Act regarding license and permit revocation, investigation and enforcement, the issuance of compliance orders, and penalties; making uniform the procedures for contesting and appealing penalties assessed by the Department of Agriculture under the Montana Pesticides Act; revising the Montana Agricultural Chemical Ground Water Protection Act by removing the requirement that certain chemical analyses be reported; removing the authority of the Department of Health and Environmental Sciences to assess civil penalties under the Montana Agricultural Chemical Ground Water Protection Act;

revising the process for issuance of compliance orders; and providing an effective date.

Amending sections 80-8-211, 80-8-304, 80-8-305, 80-8-306, 80-15-202, 80-15-403, and 80-15-412, MCA.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Agriculture, Livestock and Irrigation
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Second Reading Votes:	Senate 49-0; House 94-5
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Third Reading Votes:	Senate 47-1; House 93-5
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### **HB 305 \* Mike Kadas**

#### *Fund Natural Resource Litigation*

An act authorizing the issuance of a loan to the Department of Justice to be appropriated for technical, legal, and administrative activities for the state of Montana natural resource damage litigation in the Clark Fork River Basin; extending repayment and providing for interest in previous loans; and providing an effective date.

Committee Hearings:	Senate Finance and Claims House Appropriations
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Second Reading Votes	Senate 43-5; House 93-6
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Third Reading Votes	Senate 44-6; House 92-6
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### **HB 478 \* Robert Story**

#### *310 Permit Revisions*

An act generally revising the Natural Streambed and Land Preservation Act; and providing effective dates.

Amending sections 75-7-103, 75-7-106, 75-7-111, 75-7-112, 75-7-113, 75-7-114, 75-7-117, 75-7-121, 75-7-122, and 75-7-123, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:

Senate 48-0; House 96-3

Third Reading Votes:

Senate 48-1; House 96-4

Senate amended, House concurred 88-11

**HB 493 \* David Ewer**

*Creation of Safe Drinking Water and Waste Water Revolving Fund*

An act creating the Safe Drinking Water Treatment Revolving Fund Act; authorizing the issuance of \$10 million in general obligation bonds to provide the state matching funds for the Safe Drinking Water Treatment Revolving Fund; authorizing the issuance of \$5 million in general obligation bonds to provide the state matching funds for the state Waste Water Treatment Revolving Fund; providing a statutory appropriation; and providing an immediate effective date.

Amending sections 17-7-502, 75-5-1112, 75-5-1113, and 75-5-1121, MCA.

Committee Hearings:

Senate Finance and Claims  
House Appropriations

Second Reading Votes:

Senate 48-2; House 84-15

Third Reading Votes:

Senate 46-4; House 85-12

Senate amended, House concurred 89-10

**HB 569 \* Scott Orr**

*Revise the Allocation of the Metal Mines License Tax*

An act revising the allocation of the Metal Mines License Tax; allocating a portion of the tax to the Renewable Resource Grant and Loan Program Account and to the Reclamation and Development Grants Program Account; annually allocating \$240,000 from the Renewable Resource Grant and Loan Program Account to Montana State University-Northern; inserting language relating to the Ground Water Assessment Account to conform to Senate Bill No. 46, which was enacted as Chapter 31, Laws of 1995; and providing an effective date.

Amending sections 7-6-2225, 7-6-2226, 15-37-117, 15-38-202, 20-9-231, 85-1-604, and 90-2-1104, MCA.

**HB 569 (cont.)**

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes

Senate 48-0; House 74-25

Third Reading Votes

Senate 46-2; House 80-18

Senate amended, House concurred 87-11

**Failed**

**SB 137 Vivian Brooke**

*Revising the Comprehensive Environmental Cleanup and Responsibility Act*

An act revising the Comprehensive Environmental Cleanup and Responsibility Act; clarifying the third-party defense to liability to conform to the federal Comprehensive Response, Compensation and Liability Act; revising the definition of "hazardous materials incident"; clarifying the statute of limitations for cost recovery to conform to the Federal Comprehensive Environmental Response, Compensation and Liability Act; and providing an immediate effective date and an applicability date.

Amending sections 75-10-715, 75-10-716, and 75-10-722, MCA.

Committee Hearings:

Senate Natural Resources

Tabled in Senate committee

**SB 247 Mack Cole**

*Industrial Waste Discharge Limitations--Rule Amendments*

An act clarifying the Board of Health and Environmental Science's rules regarding effluent restrictions for discharges to surface waters; and directing the amendment of rules 16.20.631, Administrative Rules of Montana.

Committee Hearings:

Senate Natural Resources

Tabled in Senate committee



**SB 248 William Crismore**

*Cesspool, Septic Tank, Privy Cleaning--Local Regulation*

An act removing the Department of Health and Environmental Sciences from cesspool, septic tank and privy cleaner regulation; requiring local health boards to regulate cesspool, septic tank and privy cleaners; requiring the Department of Health and Environmental Sciences to set minimum standards for local health board rules; authorizing local health officers and registered sanitarians to deny, suspend, or revoke licenses for violations; providing local health boards and county commissioners with enforcement authority; and providing an immediate effective date and an applicability date.

Amending sections 37-41-101, 37-41-103, 37-41-104, 37-41-211, 37-41-212, and 50-2-116, MCA; repealing sections 37-41-201, 37-41-202, and 37-41-205, MCA.

Committee Hearings:

Senate Public Health

Tabled in Senate committee

**SB 252 Larry Tveit**

*Ground Water Mixing Zones*

An act clarifying the water quality laws to recognize and provide for ground water mixing zones at least to 75 per cent of the property boundary owned or controlled by the discharger; and providing an immediate effective date.

Amending sections 75-5-103 and 75-5-301, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes

Senate 29-20; House 63-34

Third Reading Votes

Senate 29-21; House 63-37

House amended, Senate did not concur 47-2

Conference committee appointed

Died in process

**HB 192 Hal Harper**

*Authorize State Agencies to Help/Cooperate with Local Watershed Work Groups*

An act authorizing state agencies to assist and to cooperate with local watershed work groups; encouraging local citizens, organizations, and governments to form watershed work groups; removing Board of Natural Resources and Conservation approval for the State Water Plan; and creating a special license plate and state special revenue account to fund statewide and local water resources education and activities of local watershed work groups.

Amending sections 61-3-332 and 85-1-203, MCA.

Committee Hearings:

House Natural Resources

Scheduled for second reading

Taken from second reading and rereferred to House Highways and Transportation

Second reading do pass motion failed, 48-51

Reconsidered previous action, 48-47

Rereferred to House Appropriation

Second reading do pass motion failed, 46-54

**HB 411 Scott Orr**

*Clarify the Clean Water Act 401 Nationwide Permit Requirements*

An act providing the certification required by Section 401 of the Federal Clean Water Act for activities within the coverage of nationwide permits promulgated by the U.S. Army Corp of Engineers; and directing the amendment of Title 16, Chapter 20, Subchapter 17, Administrative Rules of Montana.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation

House Natural Resources

Second Reading Votes

Senate 26-23; House 64-35

Third Reading Votes

Senate 26-24; House 67-32

Vetoed by Governor

**HB 538 David Ewer**

*Private Property Protection via Citizen Suit under Water Quality Laws*

An act providing a citizen the private right of action to compel compliance with the water quality statutes.

Amending section 75-5-636, MCA.

Committee Hearings:

House Natural Resources

Tabled in House committee

**HJR 25 Hal Harper**

*Streamside Corridor Protection--Consensus Group*

A joint resolution of the Senate and the House of Representatives of the state of Montana urging property owners, developers, local and state government representatives, conservation districts, and other affected citizens to work together to identify common goals regarding land development in streamside corridors and urging them to identify implementing strategies to reach those goals; and requesting that these efforts be coordinated through the office of the governor.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

House 74-21

Third Reading Votes:

House 61-35

Tabled in Senate committee.



# Weed and Pest Control

**Passed \***

**HB 395 \* Bob Raney**

*Integrated Noxious Weed Control Program; Revise Cooperative Agreements*

An act implementing an integrated noxious weed control program for state agencies and entities by clarifying what provisions regarding plans of operations and budgets must be included in cooperative agreements between state agencies and entities and the district weed boards; requiring the coordination of weed control efforts through the state weed coordinator; appropriating money from the Resource Development Account to the Department of State Lands and from the Noxious Weed Management State Special Revenue Fund to the Department of Agriculture to develop noxious weed management plans; and providing an effective date.

Amending section 7-22-2151, MCA.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation  
House Agriculture, Livestock  
and Irrigation; rereferred to  
House Appropriations

Second Reading Votes:

Senate 50-0; House 93-2

Third Reading Votes:

Senate 50-0; House 95-3

Governor amended, House did not concur 85-12

Free conference committee report adopted: Senate 49-1, House 86-7

**HB 445 \* Ed Grady**

*Noxious Weed Seed Free Forage Program and Advisory Council*

An act establishing a Noxious Weed Seed Free Forage Program and Advisory Council; establishing the powers, duties, and rulemaking authority of the Department of Agriculture in administering the program; authorizing applicable fees; providing for enforcement authority and for penalties, orders, injunctions, and embargoes applicable to the program; and providing effective dates.

Amending section 7-22-2126, MCA.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation  
House Agriculture, Livestock  
and Irrigation

Second Reading Votes

Senate 39-0; House 86-11

Third Reading Votes

Senate 49-0; House 89-8

Senate amended, House concurred 91-8

Governor amended, Senate concurred 50-0, House concurred 91-8

**HB 512 \* Roger Debruycker**

*Fifty Percent of Fishing License Fees for Fishing Access, Weed Control and Bank Restoration*

An act requiring that at least fifty percent of fishing license funds allocated for operation and maintenance of fishing access sites and stream, river, and lake frontages be prioritized and expended for weed control, streambank restoration, and general operation and maintenance; requiring a report on program success to the 56th Legislature; and providing an effective date and a termination date.

Amending section 87-1-605, MCA.

Committee Hearings:

Senate Finance and Claims  
House Appropriations

Second Reading Votes:

Senate 37-10; House 99-1

Third Reading Votes:

Senate 37-13; House 99-1

*148 / Weed and Pest Control*

**Failed**

**HB 452 Mike Kadas**

*Specifications for Ordinance Regulating Pesticide Application*

An act specifying the provisions for an ordinance regulating the notification of a pesticide application.

Amending section 80-8-120, MCA.

Committee Hearings:	House Agriculture, Livestock and Irrigation
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Tabled in House committee

**HB 453 Mike Kadas**

*Public Notification of Aquatic Herbicide Application*

An act specifying the provisions for an ordinance regulating the notification of an aquatic herbicide application.

Amending section 80-8-120, MCA.

Committee Hearings:	House Agriculture, Livestock and Irrigation
---------------------	--

Tabled in House committee

**HB 515 Roger Debruycker**

*Exempt State from Administering Programs Under Federal Pesticide Laws*

An act exempting the state and its political subdivisions from administering the worker protection standards established by the Federal Insecticide, Fungicide, and Rodenticide Act; and providing an effective date

Committee Hearings:	House Appropriations
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Died in House committee





## INDEX

HB 6	.30
HB 7	.31
HB 8	.31
HB 10	24, 32
HB 11	.32
HB 12	21, 32
HB 19	123
HB 30	123
HB 38	120
HB 42	.90
HB 44	.21
HB 50	.83
HB 56	4
HB 59	.54
HB 62	.45
HB 72	100
HB 75	110
HB 80	101
HB 81	90, 101
HB 90	121
HB 94	.54
HB 95	5
HB 122	.55
HB 128	108
HB 130	.35
HB 137	128
HB 162	.99
HB 164	121
HB 170	5, 131
HB 172	.55
HB 185	.69
HB 192	144
HB 195	45, 84
HB 196	.46
HB 201	.63
HB 212	6, 139
HB 215	111
HB 218	.90
HB 224	.56
HB 251	.16
HB 262	.56
HB 263	.84

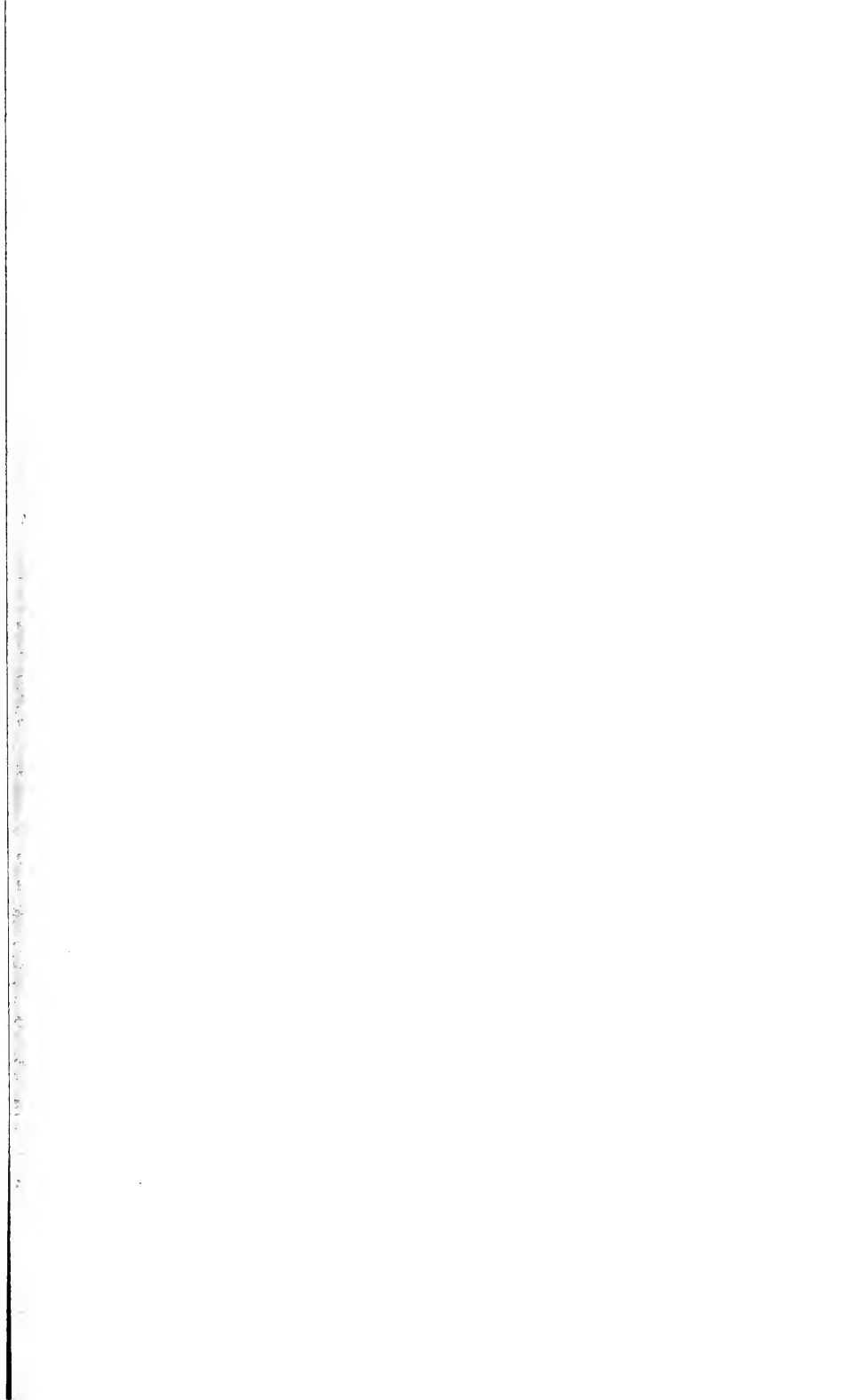
HB 274	39, 63, 85
HB 278	6
HB 279	33
HB 285	47
HB 288	47
HB 290	91
HB 291	47
HB 292	69
HB 305	33, 140
HB 308	131
HB 310	24
HB 311	94
HB 315	107
HB 338	99
HB 339	57
HB 341	91
HB 343	116
HB 348	57
HB 349	48
HB 350	92
HB 351	85
HB 354	14, 124
HB 358	70
HB 361	77
HB 375	48
HB 381	99
HB 384	49
HB 386	7
HB 391	57
HB 395	147
HB 397	77
HB 398	77
HB 403	112
HB 411	144
HB 412	35
HB 413	102
HB 418	122
HB 425	70
HB 426	16, 36
HB 427	114
HB 430	10
HB 433	49
HB 438	78
HB 439	50, 96
HB 440	36
HB 441	19

HB 445	148
HB 451	58
HB 452	149
HB 453	149
HB 456	58
HB 458	115
HB 459	132
HB 461	107
HB 464	50
HB 467	25
HB 472	129
HB 473	70
HB 478	140
HB 483	92
HB 485	86
HB 486	59
HB 489	86
HB 493	141
HB 498	109
HB 499	109
HB 501	64, 87
HB 502	107
HB 508	11
HB 512	50, 148
HB 515	149
HB 520	7
HB 521	34
HB 524	71
HB 526	16
HB 534	15, 71
HB 538	95, 145
HB 541	20
HB 562	8, 72
HB 569	125, 141
HB 575	59
HB 580	17
HB 581	17
HB 593	25
HB 597	95
HB 599	18
HB 600	81
HB 602	15
HB 605	78, 115
HJR 8	59
HJR 10	34

HJR 22	9
HJR 25	100, 111, 145
HJR 26	64, 87
HJR 28	124
HJR 29	93
SB 28	87
SB 31	51
SB 38	13, 125
SB 43	88
SB 44	1
SB 45	118
SB 46	134
SB 48	9
SB 50	10
SB 51	22
SB 52	67
SB 70	41
SB 71	103
SB 78	134
SB 100	13
SB 108	1
SB 111	2, 96
SB 122	82
SB 128	64
SB 129	22
SB 137	142
SB 138	2
SB 142	113
SB 144	127
SB 145	88
SB 147	130
SB 152	117
SB 153	135
SB 162	114
SB 173	51
SB 176	122
SB 181	67
SB 182	72
SB 183	81
SB 186	97
SB 197	73
SB 198	3
SB 199	10, 112
SB 200	103
SB 203	127

SB 204	130
SB 207	68
SB 210	41
SB 211	79
SB 215	52
SB 225	73
SB 227	74
SB 230	74
SB 231	38, 94
SB 234	27
SB 247	142
SB 248	143
SB 251	20
SB 252	143
SB 259	53
SB 267	89
SB 268	79
SB 269	42
SB 273	117
SB 282	75
SB 284	97
SB 285	42
SB 288	39
SB 289	3, 104, 135
SB 299	136
SB 303	80
SB 304	43
SB 312	4, 43
SB 321	80
SB 323	75
SB 330	136
SB 331	136
SB 336	89
SB 338	116
SB 344	22, 112
SB 346	137
SB 347	38, 62, 82
SB 349	110
SB 352	61
SB 358	113
SB 360	8
SB 362	137
SB 365	83, 98
SB 366	19
SB 367	53
SB 371	138

SB 373	98
SB 382	104
SB 383	126
SB 386	105, 138
SB 387	128
SB 389	44
SB 391	53, 132
SB 392	14
SB 394	44
SB 398	29
SB 399	76
SB 406	106, 139
SB 407	118
SB 412	119
SB 415	106
SB 423	68
SB 424	119
SJR 2	62
SJR 15	30
SJR 17	45



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